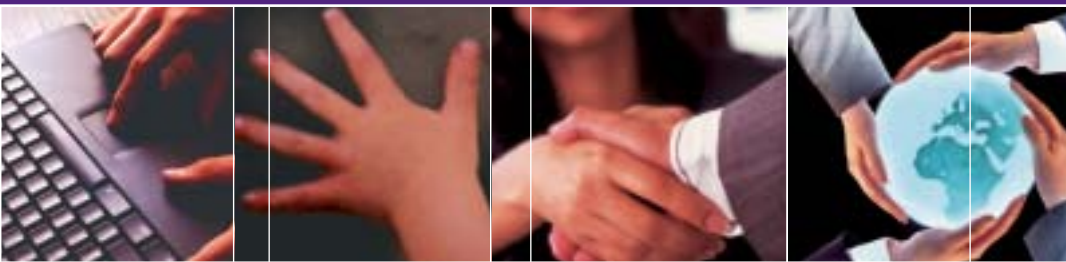


Department of Justice, Equality and Law Reform

# Strategy Statement 2003-2005



Courts

Legal Aid

Criminal and Civil Law Reform

Prisons and Probation and Welfare

Equality and Disability

Asylum, Immigration and Citizenship

Community Security & Equality

Garda Síochána

Security  
Tackling Crime

Human Rights  
Northern Ireland

European Union and International

Business Support and Customer Services

Childcare

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Design: Corporate Graphics Ltd

This document is available on the Department's website.

Copies of this document may be obtained from the:

Organisation Development Unit,  
Department of Justice, Equality and Law Reform,  
72-76 St. Stephen's Green,  
Dublin 2.



# Strategy Statement 2003-2005

# Mission Statement

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

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

# Values

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

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

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# Foreword by the Minister



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



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



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

The Government took Office in 2002 on the strength of a comprehensive and far-reaching programme of policies and actions which will underpin the work of all Government Departments over the next few years. A substantial portion of the Agreed Programme for Government falls to be implemented by my Department.

In this Strategy Statement, the Department of Justice, Equality and Law Reform has set itself a considerable challenge in strategically planning for the implementation of Government Programme commitments while, of necessity, committing itself to the maintenance of significant ongoing services.

I think it is important to note, too, that perhaps the most substantial responsibilities and workload before, during and for some time after the Irish EU Presidency in the first half of 2004 fall to my Department – not just in the Justice and Home Affairs area, but across many other policies including the equality area.

The range and depth of justice and equality responsibilities call for the very best practices in management and organisation processes, not just within the Department itself, but right across the organisations in the wider Justice and Equality sector where Government policies are translated into executive and administrative action – be it in the criminal justice system, the equality/disability area or in the asylum and immigration area. Indeed, since my appointment as Minister, I have made cohesive planning and policy implementation a priority across all areas of the wider Justice and Equality sector. All of these organisations will also be conscious that they must manage their affairs in a more robust environment of financial discipline and control.

In general, ongoing modernisation within the Department and across the sector, particularly in the development of human resource, financial and IT /eGovernment management strategies, will enhance the capacity of the Department to manage its affairs and deliver quality services in its increasingly complex and challenging policy and working environment.

I am conscious that the progress the Department makes over the period of the Statement in the delivery of Government commitments and the continuous improvement of essential services, will, because of the central importance to society of these responsibilities, be of great significance for, and of direct interest to, the public.

There is every indication to me in my time as Minister in the Department to date that the demanding goals and strategies defined in this Statement will be pursued with a high degree of commitment and expertise by the Department's management and staff.

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





# Introduction by the Secretary General

The period 2003-2005 looks set to be a very challenging time for our Department, as we strive to realise our objectives across a range of policy and operational responsibilities.

We have attempted, in this Statement, to maintain the necessary balance between, on the one hand, refocusing on new, or newly prioritised, Government policies and, on the other, maintaining essential ongoing day-to-day activity.

As of now, Government policy is, for the most part, encompassed in the Agreed Programme for Government. It is, I think, notable that in excess of 80 separate commitments under 12 different policy headings in the Programme fall to be implemented by the Department of Justice, Equality and Law Reform, for the most part in a leading role. The commitments are integrated across our High Level Goals and they are also set out in *Appendix 4* where they are cross-referenced to the relevant Statement text.

The extent of these commitments serves to underline our wide ranging mandate, key elements of which are tackling crime, promoting equality and regulating the asylum process and immigration. These are, perhaps, the more familiar tasks and challenges that lie ahead but many other areas such as contributing to the peace process in Northern Ireland, administering an extensive childcare programme and managing a very full involvement in EU and international matters, will absorb significant time and resources as we go forward.

A consistent theme in the Statement across core policy areas is the upholding of individual rights, for example:

- the protection of fundamental human rights and freedoms including the balancing of the rights of victims of crime and the accused;
- continuing to develop a strategic and humane response to the challenges and opportunities posed by international migration;
- addressing inequality generally, advancing equal participation in society by people with disabilities;
- enhancing policies with regard to human rights and equality of opportunity generally through the support of an infrastructure that includes the Human Rights Commission, the Equality Authority, ODEI – the Equality Tribunal and the National Disability Authority.

These strategies together help to address social inclusion issues in our society particularly in relation to women, people with disabilities, travellers and migrants.

A priority for the Department in 2003 and subsequent years will be playing our part in the Government's policy of public expenditure control. We believe that this will only be achieved by further developing effective management and control both of the Department's finances and the finances of the many organisations associated with the Department which make up the Justice and Equality sector. All of our goals and objectives will be underpinned by a careful and systematic approach to financial control in place right from the start of 2003. Greater financial discipline and controls will inevitably pose difficult policy and programme choices in the management of our resources over the coming period.

Another major Government priority over the period of the Statement is that each Department prepares for and contributes to an excellent EU Presidency (1 January 2004 – 30 June 2004). It is worth noting that our Department will account for a particularly heavy volume of Ireland's Presidency business in the Justice and Home Affairs area as well as within equality and other frameworks. The extent of the challenge and, undoubtedly, its implications for resource allocation decisions will be evident from a reading of our High Level Goal 8 analysis.





A feature of governance in our policy and operational areas will be the strengthening of our strategic linkages with our many associated bodies, greater policy and operational coherence and the further development of performance and accountability frameworks.

In this statement, we have placed greater emphasis than previously on our linkages with other Government Departments, setting out, in the cross-Government Table (page 14), the cross Government issues, including Programme commitments, with which we are involved either in a leading or supporting role.

Turning to a different issue, I am happy to note that our experience of the modernisation programme to date has been quite positive and we undertake in this Statement (Part 3) to intensify our efforts to ensure our Department, and the sector as a whole, is operating in the most efficient and effective way possible. The progress made under the Programme for Prosperity and Fairness will be built on as we address the commitments set out in Sustaining Progress – the new Social Partnership Agreement.

Of course, all planning must be supported by a clear implementation strategy and our revised arrangements for business planning and review, involving both the Minister and the Department's high level management team will allow us to more closely evaluate our progress on an ongoing basis.

To achieve progress we are dependent more than anything else on the dedication and commitment of our staff. We are fortunate in having these qualities in abundance in our organisation.

**Tim Dalton**  
*Secretary-General*







# Part 1

## Introduction

## Introduction

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# 1.1 Our Strategy Statement

This strategy statement is the fourth published by the Department. It has been prepared with reference to recent Government guidelines and has been brought forward under the Public Service Management Act 1997 which provides that all Government Departments prepare a strategy statement within six months of the appointment of a new Minister.

The strategy statement is a forward looking document which sets out the strategic direction for the Department over the next three years and it is intended to help inform our stakeholders including the Government, the organisations in the Justice and Equality sector, the public we serve and the members of our own organisation, of our overall 'plan of action' for the period ahead. That strategic direction over the next few years is determined, to a significant extent, by the Agreed Programme for Government which sets an extensive and challenging agenda for action in our areas of responsibility.

It is of course important to emphasise that Government programmes do not set out to describe all of the activities that will be pursued by Government Departments for the period covered by the programme. The assumption is rightly made that a very sizeable volume of activity (issuing payments, running prisons etc.) will continue day-in day-out, and that these, of their very nature, will tend to absorb a very considerable proportion of available resources.

The Strategy Statement also provides an overall planning 'point of reference' for the independent bodies associated with the Department in the Justice and Equality sector. Strategy statements, corporate and business plans for these organisations for 2003 and beyond will complement and reflect the overall policy direction of the Department which is, in turn, determined by Government policy.

A further important influence on our strategic direction over the period ahead is the ongoing programme of modernisation in the Public Service which, in the coming period, will be framed in the context of "Sustaining Progress".

### Statement structure

- **Part 1** introduces the strategy statement and sets out the mandate and structure of the Department. It also provides an overview of its strategic linkages with the various other organisations within the Justice and Equality sector and outlines the many cross-Government issues in respect of which the Department has either a lead or supporting role.
- **Part 2** provides an analysis of our policy and working environment and sets out 13 High Level Goals covering the policy and operational areas of the Department. The major challenges arising within each of these High Level Goal areas are analysed and the key objectives, strategies and performance indicators set out represent the outcome of this analysis.
- **Part 3** focuses on the Department's business support and customer service strategies (High Level Goal 14).

### Consultation

This Statement was developed in consultation with the Minister, the Management Advisory Committee – the Department's high-level management team – and staff. We also consulted with associated bodies in the Justice and Equality sector, other Government Departments, our Partnership Committee and Customer Liaison Panel.

### Implementation of Strategy Statement and measuring performance

Each division and office in the Department will prepare and implement business plans for each of the next three years to give effect to the goals and objectives set out in the strategy statement. The business planning process is already an integral part of the working of the Department. These business plans will in turn be supported by individual performance plans for each member of staff, which will be defined and agreed through the Performance Management and Development System.

Progress made on business plans will be reviewed regularly by reference to our performance indicators. The Management Advisory Committee will formally review progress at least twice yearly, in conjunction with the Minister, in advance of bilateral meetings between the Minister and the Taoiseach.

### Critical success factors

This strategy statement represents an ambitious but realistic programme of objectives. Our determination to achieve these objectives will in all probability be tested by factors that may lie outside our control. Indeed, our experience is that exceptional and often unplanned demands can have a significant impact on the achievement of stated targets. To deal with this, our approach to management of our resources over the next three years will allow for the flexibility that may be needed in such circumstances. It must be acknowledged, of course, that demands can arise for which no amount of flexible planning would provide all the answers. The foot and mouth outbreak in 2001 is one example of an issue that required an urgent response and a significant input of resources by our Department and the Garda Síochána, among others, that could not have been anticipated.

Our progress will depend to a considerable extent on the following:

- The support of Government in the implementation of policies and for our operations.
- Securing the necessary staffing and financial resources to implement our strategies and the support of the Department of Finance in this regard; in particular securing such additional resources as are necessary to fulfil the heavy responsibilities and workload arising from our role in the EU Presidency (1st January – 30th June 2004). These responsibilities and additional workload will arise during the preparatory phase in 2003, the six months of the Presidency itself and into the second half of 2004.
- Retaining our experienced staff.
- 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.
- Continued commitment of our own staff to achievement of our objectives.
- The support of the general public.
- Minimisation of any disruption arising from the need to temporarily relocate our Head Office to facilitate a building refurbishment programme.

## 1.2 Our Mandate

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

The Department has a central role in dealing with issues which can be quite controversial and sensitive. It is fair to say that it enjoys a rather mixed image in the public mind which is not, of course, surprising given that what one individual regards as legitimate law enforcement activity, another may regard as a form of repression. What is sometimes not as readily recognised is that the Department is not focused exclusively on law and order issues but we also have responsibility for a wide and progressive social agenda in the areas of equality, childcare, disability, human rights and civil law reform.

Our main areas of responsibility include -

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



## Introduction



### 1.3 Department Structure and Staffing

The Department is structured around nine areas comprising one or more Divisions, each headed by a member of the Management Advisory Committee.

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

See *Appendix 1: Organisation Chart*

#### Staff and financial resources

There are just over 700 staff working in the Head Office areas of the Department. Numbers working in the wider Justice and Equality sector stand at about 19,500. See *Appendix 2*.

Across all its votes the Department is responsible for an annual budget of €1.731 billion in 2003 which compares to a budget of €1.603 billion in 2002. The Justice vote allocation in 2003 for the Head Office areas of the Department is €325 million. See *Appendices 2 and 3*.

### 1.4 Linkages within the Justice and Equality Sector

The way in which services are structured and delivered in the Justice and Equality area has been transformed in recent years, as will be readily seen from the organisation chart (Appendix 1). It now comprises some 23 organisations, each with specific administrative, regulatory or operational functions. This transformation, which is not complete, has required considerable flexibility and co-operation on the part of staff at all levels. Its fundamental purpose was to enhance service to the public and we believe that this purpose is being realised. The Department will continue to work with the sectoral bodies on developing efficient and effective services.

Our focus over the next three years will be on implementing the best principles of corporate governance in the sector. We will do this by improving the coherence of strategy planning and performance, especially in the context of delivery of a wide range of Government commitments that require action across the sector.

We will also continue to strengthen the accountability frameworks which underpin the relationships between the Minister and the sectoral bodies. New, more accountable arrangements in particular areas will be implemented – for example, through the setting up of an independent inspectorate for the Garda Síochána.

This process has been facilitated by the creation and continued operation of the Justice and Equality Sector Steering Group which comprises the Heads of Justice and Equality bodies and senior officials of the Department, and is chaired by the Minister. The purpose of the Group is to ensure overall coherence around issues of corporate governance including strategic planning and the implementation of the public sector modernisation programme across the sector. Of central importance also has been the operation of Partnership arrangements within the sector.

Effective corporate governance and in particular the management of these performance and accountability

requirements will represent an ongoing challenge for the Department in the years ahead. It means that we must continuously improve our capability to develop policy, assess strategy and review performance while all the time supporting the sector as efficiently and effectively as possible. It is not an easy task and it is not one that has any fixed end date. However, it is a task that we remain committed to and determined to pursue to the best of our abilities.

## 1.5 Linkages with other Departments and Agencies

Significant cross-cutting issues arise in virtually every one of our policy and operational areas. We will pay particular attention to the quality of our linkages and co-operation with other Government Departments and agencies to enable us to influence progress on national strategies and other cross-Government matters in an appropriate and positive way.

The Department participates in the work of the following Cabinet Committees:

- Cabinet Committee on Social Inclusion, Drugs and Rural Development.
- Cabinet Committee on Children
- Cabinet Committee on Health Strategy
- Cabinet Committee on European Affairs
- Cabinet Committee on Information Society
- Cabinet Committee on Asylum, Immigration and Refugee Matters

A number of issues that arise on a day-to-day basis involve co-operation with other Government Departments, for example, in relation to crime, drug misuse, road traffic law enforcement, immigration etc., and the Department is for this reason represented on a range of interdepartmental committees addressing these issues.

The following Table lists cross-Government issues with which the Department is concerned either in a lead or supporting role. It refers to other Government Departments and agencies who are also involved in a lead or supporting role. The Table is not intended to be an exhaustive list of such issues, or indeed linkages. It might be noted that several of these issues correspond to the “Special Initiatives” in such areas as childcare and the cost and availability of insurance which are a vital element of the new Social Partnership Agreement.

As there will be particular interest in strategies to implement the current Government programme, cross-cutting issues which arise from commitments contained in the Agreed Programme for Government are highlighted in purple.





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Cross-Government issues	Departments and other agencies involved	High Level Goal
<p><b>Crime and related issues</b></p> <p><b>Crime Prevention</b></p> <ul style="list-style-type: none"> <li>■ Tackling the causes of crime</li> <li>■ Increasing public knowledge and awareness of crime</li> <li>■ Developing partnership and practical approaches in community sectors</li> <li>■ Identifying and evaluating Government initiatives, policies and programmes which impact on crime</li> <li>■ Ensuring effective analytical planning and implementation frameworks</li> </ul>	<p>A wide range of Government Departments and Agencies; Garda Síochána; National Crime Council</p>	<p>High Level Goal 1</p>
<p><b>National Drugs Strategy and related matters</b></p> <ul style="list-style-type: none"> <li>■ Reduce harm caused by drugs through a concerted focus on supply reduction, prevention, treatment and research</li> <li>■ Reduce availability of illicit drugs and establish targets for seizures</li> <li>■ Have valid data on extent of drug misuse</li> <li>■ Strengthen partnerships in and with communities</li> <li>■ Establish an evaluation framework to assess progress, publish annual reports and refocus priorities</li> <li>■ Review legal measures to tackle drug-related activity</li> <li>■ <b>Prioritise heroin and cocaine for intervention</b></li> <li>■ <b>Review national targets for seizures of opiates and other drugs</b></li> <li>■ <b>Target assets of persons involved in drug dealing</b></li> <li>■ <b>Involve all key agencies in early warning system to track potential spread of heroin to new areas</b></li> <li>■ <b>Ensure that regional drugs task forces operate efficiently so that prevention programmes are active in all areas of the country</b></li> <li>■ <b>Publish national targets for supply reduction for major types of drugs</b></li> </ul>	<p>Community, Rural &amp; Gaeltacht Affairs (Lead); Other Departments involved in National Drugs Strategy; Garda Síochána</p>	<p>High Level Goal 1</p>

## Introduction

Cross-Government issues	Departments and other agencies involved	High Level Goal
<p><b>International Co-operation</b></p> <p>Policy on justice and home affairs in relation to co-operation with the international community within the established institutional frameworks and on a bilateral level including:</p> <ul style="list-style-type: none"> <li>■ The European Union</li> <li>■ The Council of Europe</li> <li>■ The United Nations</li> <li>■ The OECD</li> <li>■ Bilateral agreements</li> </ul>	<p>Taoiseach; Foreign Affairs; Health &amp; Children; Revenue Commissioners; Attorney General; Finance; Other Government Departments as specific issues arise; Garda Síochána</p>	<p>HLG 1 and 6</p>
<p>Measures to counteract money laundering; Financial Action Task Force</p>	<p>Finance (Lead); Central Bank; Garda Síochána</p>	<p>HLG 1</p>
<p>Implementation of Children Act 2001</p>	<p>National Children's Office; Health &amp; Children; Education &amp; Science</p>	<p>HLG 1 and 6</p>
<p>Criminal assets – Criminal Assets Bureau</p>	<p>Revenue Commissioners; Social &amp; Family Affairs; Finance; Garda Síochána</p>	<p>HLG 1</p>
<p>Violence against women and children</p> <p><b>Funding awareness, housing and shelter programmes</b></p>	<p>National Steering Committee; Garda Síochána; Probation and Welfare Service; Health Boards</p>	<p>HLG 1</p>
<p>Prevention of criminal corruption including development of measures and evaluation by Council of Europe and others</p>	<p>Range of Departments and Agencies</p>	<p>HLG 6</p>
<p><b>Implementation of Children First guidelines relating to child abuse</b></p>	<p>Health &amp; Children (Lead)</p>	<p>HLG 1</p>
<p><b>Introduce a renewed three year road safety strategy</b></p>	<p>Transport (Lead); Environment &amp; Local Government; Garda Síochána</p>	<p>HLG 1</p>
<p><b>Establish a dedicated Traffic Corps</b></p>	<p>Transport (Lead); Garda Síochána</p>	<p>HLG 1</p>
<p><b>Implement penalty points system</b></p>	<p>Transport (Lead); Garda Síochána</p>	<p>HLG 1</p>



## Introduction



Cross-Government issues	Departments and other agencies involved	High Level Goal
<b>Civil Law issues</b>		
<b>Reform of personal injuries law</b> <ul style="list-style-type: none"> <li>■ Introduce a scheme of mandatory mediation for the purpose of improving the early settlement of claims and controlling legal and other costs to include sanctions for unreasonable conduct by either side</li> <li>■ Introduce measures to punish the presentation and making of false and exaggerated claims in personal injury cases to include a power for the courts to deduct from damages costs relating to exaggerated claims. Require certain forms of action to be supported by sworn affidavits so as to create a liability in perjury for fraudulent claims</li> <li>■ New laws will be introduced to speed up civil litigation</li> <li>■ The cost of insurance claims will be reduced by a series of actions we will take to reform civil law procedures</li> <li>■ Take actions to limit the cost of public liability insurance on businesses. Civil law measures will be central</li> <li>■ Establish a set of guidelines on damages for personal injuries</li> </ul>	Enterprise, Trade & Employment; Attorney General's Office; Courts Service; Motor Insurance Advisory Board	HLG 6
Civil registration and marriage law	Health & Children (Lead)	HLG 6
Reforms in rented accommodation sector	Environment & Local Government (Lead)	HLG 6
State compensation claims	Finance (Lead)	HLG 6
<b>Northern Ireland</b>		
<b>Policy in relation to Northern Ireland including</b> <ul style="list-style-type: none"> <li>■ the North-South Ministerial Council</li> <li>■ the Implementation Bodies</li> <li>■ the British-Irish Intergovernmental Conference</li> <li>■ bilateral relations, on non-devolved matters</li> <li>■ Judge Peter Cory investigation</li> </ul>	Taoiseach; Foreign Affairs	HLG 9

## Introduction

Cross-Government issues	Departments and other agencies involved	High Level Goal
<b>Asylum and Immigration</b>		
<b>Ensure that the Reception and Integration Agency works effectively to fulfil its mandate</b>	Defence; Education & Science; Health & Children; Environment & Local Government; Office of Public Works; Social and Family Affairs; Local Authorities; Health Boards; Defence Forces; Irish Red Cross	HLG 10
Prepare a new Immigration and Residence Bill	Cross Departmental Group on Immigration:- Enterprise, Trade & Employment; Foreign Affairs; Finance; Social & Family Affairs; Environment & Local Government; Health & Children; Education & Science	HLG 6 and 10
Employment policies/strategies <b>Review processing arrangements for work visas</b>	Enterprise, Trade & Employment (Lead)	HLG 10
Visa policy	Foreign Affairs	HLG 10
Tackling abuse of asylum process	Social & Family Affairs; Enterprise, Trade & Employment	HLG 6 and 10
<b>Equality and related issues</b>		
<b>Strengthen the parental leave scheme in line with the recommendations of the social partners</b>	Working Group on Review of Parental Leave Act	HLG 11
<b>Ensure that each public sector entity implements a structured programme to address imbalances in gender representation in management positions</b>	Finance	HLG 11
Implementation of 40% target for State Boards		
<b>Enhance the excellent work which is currently underway in our schools, to educate for diversity and promote tolerance</b>	Education sub-committee	HLG 11
National Anti-Racism Action Plan	Taoiseach; Finance; Health & Children; Enterprise, Trade & Employment; Education & Science; Community, Rural & Gaeltacht Affairs; Environment & Local Government; NGOs	HLG 11



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Cross-Government issues	Departments and other agencies involved	High Level Goal
<p><b>Review campaigns designed to promote tolerance and understanding between the settled and travelling communities and maintain multi-annual funding for targeted programmes</b></p>	<p>Task Force on Travelling Community</p>	<p>HLG 11</p>
<p>National Development Plan (Equality for Women Measure / Gender mainstreaming)</p>	<p>Finance; Enterprise, Trade &amp; Employment; Education &amp; Science; Social &amp; Family Affairs; Environment &amp; Local Government; Health &amp; Children; Agriculture &amp; Food; NGOs</p>	<p>HLG 11</p>
<p>National Women's Strategy</p>	<p>Taoiseach; Finance; Social &amp; Family Affairs; Enterprise, Trade &amp; Employment; Environment &amp; Local Government; Foreign Affairs; Health &amp; Children; Education &amp; Science; NGOs.</p>	
<p><b>Childcare</b></p>		
<p>Co-operate strategically with the Departments and Agencies who have a regulatory or support role in the Childcare sector</p>	<p>Environment &amp; Local Government; Health &amp; Children; Education &amp; Science; Enterprise, Trade &amp; Employment; Finance; Revenue Commissioners; Local Authorities; Health Boards; Centre for Early Childhood Development &amp; Education; National Qualifications Authority of Ireland; FAS; Co. Enterprise Boards; IDA</p>	<p>HLG 12</p>
<p>Co-operate strategically and proactively through the National Childcare Co-ordinating Committee with the Departments, Agencies, social partners and childcare organisations involved in the development of quality childcare</p>	<p>Health &amp; Children; Education &amp; Science; ICTU; IBEC; National Voluntary Childcare Organisations; FAS; Centre for Early Childhood Development &amp; Education; County Childcare Committees; National Women's Council; others</p>	<p>HLG 12</p>
<p><b>Ensure that there is a network of supports in place for child minders</b></p>	<p>County Childcare Committees</p>	<p>HLG 12</p>

## Introduction

Cross-Government issues	Departments and other agencies involved	High Level Goal
Keep under review and seek to streamline regulations concerning the establishment and running of crèches and childcare facilities, including planning requirements, consistent with health & safety requirements	National Childcare Co-ordinating Committee	HLG 12
Expand support for the provision of out-of-hours childcare programmes based in schools	Education & Science; School Managerial Authorities.	HLG 12
<b>RAPID Programme</b>		
Each relevant Government Department will allocate specific staff whose principal duty will be to ensure that the Department is effectively engaged with the RAPID communities along the lines of the final report of the Integrated Services Process		HLG 1









## Part 2

### Policy and Working Environment and High Level Goals

## Policy and Working Environment and High Level Goals

### Overview

The Department is operating in a rapidly changing work environment. We have witnessed significant social, economic, political, international and technological changes over the last number of years. These factors have impacted directly on work areas of the Department in the past and will continue to do so over the period of this Statement.

- We have witnessed in recent years changes in the pattern of criminal activity with the growth of sinister new forms of crime such as organised crime, trafficking in drugs and trafficking in people, particularly women and children and crime facilitated by newer technologies. There has also been an apparently significant increase in public order offences, offences against the person and crimes in relation to the misuse of drugs and alcohol. Social and economic factors are relevant to these changing patterns of criminality. It is imperative that we continue to adopt appropriate measures to combat emerging forms of crime and that we readily adapt and respond to the changing levels and patterns of criminal behaviour. We look further at these issues under **High Level Goal 1**.
- International developments can have a major, and sometimes unforeseen, impact on our work programme. For instance, the need to participate fully in the international effort against terrorism took on a new dimension for us following the terrorist attacks of 11 September 2001 in the United States. New UN and EU measures have impacted significantly on our work programme in this area over the last year and will continue to impact on our legislative priorities in the future.
- As set out under **High Level Goal 8**, the Department's strategies in the areas of crime, law reform, asylum and immigration and equality issues are significantly influenced by initiatives and programmes arising at EU level and across other international fora such as the Council of Europe and the United Nations. The demands of the upcoming EU Presidency will be much greater than during previous Presidencies and the Justice and Home Affairs workload looks set to be Ireland's most onerous area of business.
- In the area of law reform, the Department's law reform programme comprises in the order of one quarter to one third of the overall Government programme while as much as one quarter of the bills on the current criminal law programme have an international or EU dimension. A key task for the Department in shaping law reform over the coming years will be to continue to find the right balance between the needs and rights of the individual and the needs of society generally. This is examined under **High Level Goal 6**.
- Immigration, asylum and citizenship issues have assumed a new prominence for us in the past few years with increased numbers of non-nationals arriving here. Economic and political factors have a strong influence on these developments and we look at these issues under **High Level Goal 10**. The key objective for us in the coming years will be to continue to develop the capacity to respond in a humane and strategic way 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.
- We now work in an environment in which there is a much greater focus on equal opportunities and equality issues. Our priority in these areas over the next three years will be to consolidate the progress made to date in the promotion of gender equality, employment equality, equal status and equal participation in society by people with disabilities. We will aim to achieve this by the further development of strategies which are targeted at addressing inequalities in these areas and which are responsive to changing social and economic circumstances. We are committed to working to promote greater respect for the person and respect for diversity, equality and cultural differences in Ireland. Our strategies in these areas are set out under **High Level Goal 11**.

## Policy and Working Environment and High Level Goals

- Economic and social factors have also influenced the increased demand for childcare places and in this regard, as outlined under **High Level Goal 12**, we will continue to work towards developing the supply and quality of childcare places over the coming years and support quality improvements in the childcare sector.
- Underpinning our work across of all of these policy and operational areas will be our commitment to continually develop our strategic linkages with the many organisations in the wider Justice and Equality sector and with other Government Departments and agencies. Improving performance and accountability frameworks within the Justice and Equality sector as a whole will be a priority over the coming period.



# Tackling Crime

## High Level Goal **1**

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



## Policy and Working Environment

### Crime trends

Following quite dramatic decreases in the level of recorded indictable/headline crime in the late 1990s of the order of 28 per cent, the trend reversed in the year 2001 with an apparent increase of 18 per cent. The 18 per cent figure should be treated with some caution, as the effects of the transfer of crime statistics generation to the new PULSE computer system in 1999 may still have been artificially influencing matters. It is, nevertheless, beyond dispute that a significant reversal took place in 2001. Although disappointing, the reversal simply underlines the continued need for robust responses to offending behaviour and the imperative to readily adapt to changing levels and patterns of crime on the part of the criminal justice system. The preparation of a Government White Paper on Crime, which will set out priorities for the future and put forward a developmental strategy, will be a significant task in the coming period.

Public order offences continue to be source of concern, given the associated concerns about personal safety and security among the general public. Official crime statistics support the public perception that, although the bulk of crime in the form of property offences has, for the most part, decreased in frequency, the much smaller category of offences described as offences against the person has seen increases. The State response must be multifaceted and includes innovative public order legislation, targeted Garda operations, a strict enforcement of the liquor licensing laws and an extension of the use of closed-circuit television systems.

### Youth and crime

This issue consistently features large in the concerns of many. The issue is complex in that the tendency towards offending behaviour on the part of young people is not conditioned exclusively by predictable factors such as marginalisation and lack of opportunity but also by influences such as the process of individual maturation, levels and patterns of socialising, misuse of drugs and alcohol and other factors such as levels of parental control and

concern. In relation to alcohol abuse, which is a very significant factor, the Department will closely monitor levels of enforcement of measures in the licensing laws that ensure mandatory closure of licensed premises such as pubs, clubs and off-licenses, where there have been convictions for allowing under-age drinking.

On a broader scale, implementation of the Children Act 2001 – the major reform of Ireland's juvenile justice legislation – continues apace. We will continue to co-operate fully with the National Children's Office in its ongoing work to ensure co-ordinated implementation with the other relevant Government Departments, namely, the Departments of Health and Children and Education and Science.

### The drugs problem

In common with other countries throughout the world, the drugs problem continues to be a matter of serious concern. Tackling drugs is not easy, and it is generally accepted that an effective response will not work on one level alone. Ireland's approach to tackling the drugs problem has developed around the four pillars of supply reduction, prevention, treatment and research. Central to that approach has been the bringing together of key agencies, both statutory and community/voluntary, in a planned and co-ordinated manner, to develop a range of appropriate responses to the problems of drug misuse.

This co-ordinated response is not just in relation to the supply of drugs, but also in providing treatment and rehabilitation for those who are addicted, as well as in developing appropriate preventative strategies. The Government's National Drugs Strategy 2001-2008 builds upon previous experience and reflects this co-ordinated response by bringing all of the elements together in a single framework with responsibility clearly assigned. The framework comprises an overall strategic objective to significantly reduce the harm caused to individuals and society by the misuse of drugs through a concerted focus on the four distinct but inter-linked pillars. It also contains a number of overall strategic aims, as well as key objectives and performance indicators, and a series of actions to be taken across the full range of Departments and Agencies involved in the delivery of drugs policy. (See Cross-Government Table, Page 14).



## Tackling Crime

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The location of principal responsibility for each of the areas of the drugs strategy lies among the various State Agencies. The Department of Community, Rural and Gaeltacht Affairs is responsible for the overall co-ordination of the strategy. There is, of course, a necessary sharing of responsibility, but the major responsibilities of our Department lie in the area of supply reduction. The main focus of supply reduction strategy in recent years has been in updating legislation to reflect the modern reality of drugs trafficking, in greater specialisation by enforcement agencies and in a strengthened emphasis on co-ordination and co-operation among the main enforcement agencies.

### Organised crime

Organised criminality is a relatively recent phenomenon in Ireland. It has been influenced primarily by the development of an illegal drugs market which was created in the early 1980s. Over recent years, several Irish organised crime groups have been heavily involved in international trafficking in drugs, motivated by the opportunity for large-scale illicit profits. The response by the Government has been hard-hitting, demonstrated in the main by a policy of strong legislation which has created a modern criminal justice system able to respond effectively to the activities of organised criminal groups. In particular, the creation of the Criminal Assets Bureau, a multi-agency unit which targets the proceeds of crime, and the establishment of specialised Garda expert support units such as the National Drugs Unit and the Bureau of Criminal Investigation have had a significant impact on organised criminal groups with large drugs seizures, the dismantling of criminal groups, the seizure of criminal assets and the imprisonment of prominent criminals.

However, opportunity is the key factor in organised crime. It is essential, therefore, to ensure that the fight against illegal drugs is maintained. At the same time, as legislative and other measures are taken to respond to drugs trafficking, international experience has shown that organised criminal groups look for opportunities elsewhere. Technological developments in telecommunications (including telephone, fax and computer networks), the huge increase in the use of computers in business and the development of electronic systems in the financial

sectors have provided opportunities globally for illicit activities to expand into new markets, and for new and less risky activities to develop.

Trafficking in human beings is a relatively new and extremely serious form of international criminal activity, where the illicit gains are very considerable and the level of victim abuse – especially in the case of women and children – is often subhuman. Money laundering of illicit profits, which is a growing phenomenon world-wide, seriously undermines business and general economic confidence, relying for its success, as it usually does, on corrupting highly placed people in business and professional life. Having successfully responded to the activities of organised groups in drugs-related crime, it is necessary, while maintaining that focus, to ensure that trends in organised crime at national and international levels are analysed and monitored so that strict and effective legal instruments, and operational policies, are developed in a coherent and co-ordinated strategy.

### Crime prevention

Traditionally, the view worldwide has been that it is the duty of Governments to protect their citizens from crime. This duty has been exercised generally by way of effective law enforcement within the criminal justice system. The system is perceived by citizens to be made more effective by increasing personnel numbers, by enacting new laws and by enhancing penal measures. Side by side with this formal system of regulation, society has developed its own informal system of behavioural controls. These include, for example, guidance from parents, schools and religious bodies which influence for the better the conduct of everyday life. Governments reinforce this informal system by promoting the rule of law and by taking social and economic measures for the common good. Both systems interact and together form a comprehensive framework to the challenge of crime based on complementarity between enforcement and prevention.

At an international level, Governments have been exploring ways of improving the effectiveness of the informal system. This is in response to an awareness of limits to the traditional enforcement measures of criminal justice systems. It is a recognition too of the escalating costs in responding to global crime and

the emerging opportunities for crime provided by new phenomena, such as the growth in technology and the opening up of worldwide markets for goods and services. This exploration by Governments is described as “crime prevention” and covers a very wide range of possible actions by different agencies in society. It is only in the last twenty years or so that significant attention has been given globally to crime prevention. Some countries have established National Crime Councils with specific remits, as in Ireland, “to focus on crime prevention, with particular emphasis on the underlying causes of crime and the development of partnerships and practical approaches which will be effective at community level”.

Community crime prevention programmes, such as Neighbourhood Watch and Community Alert, have contributed in Ireland to a direct, and visible, effect of crime prevention on everyday lives. New concepts, such as closed circuit television, are making a contribution too. The economic, social and cultural strategies being produced by the County/City Development Boards provide possibilities also for identifying cross-cutting quality of life and community safety issues in local areas. International institutions, such as the United Nations and the European Union, have endorsed the view that well-planned crime prevention strategies not only prevent crime but also promote community safety and enhance the quality of life. Such strategies are also considered to have longer term benefits in reducing costs associated with the formal criminal justice system, as well as in reducing other social costs that result from crime.

Basic principles enunciated at international level suggest that crime prevention considerations should be integrated into all relevant social and economic policies and programmes, including those addressing such issues as employment, social inclusion, education, health, housing and urban planning. Partnerships are also considered to be an integral part of effective crime prevention, having regard to the wide-ranging nature of the causes of crime. Nevertheless, it is recognised internationally that many challenges lie ahead to develop the full potential of the concept of crime prevention. For example, there are difficulties in evaluating empirically the effectiveness of crime prevention

policies. At the same time, social as well as economic and technological advances are altering rapidly the nature of crime.

A major challenge is the fact that the resources needed for crime prevention measures are difficult to find, especially when the effectiveness of the measures is often the subject of doubt. Most crime prevention efforts, too, tend to focus on traditional types of crime, such as assaults or crimes against property. These, of course, are the types of crime which are of major concern to citizens.

Evaluation, therefore, is an important element in improving crime prevention practices. Accurate crime data is needed for measuring the outcome of crime prevention measures (see improving crime statistics, below). International co-operation in sharing best practices is important in validating policies. Given the similarity of situations in the Member States of the European Union, despite substantial legal differences, efforts are being made to improve the comparability of quantitative and qualitative data, particularly within the European Crime Prevention Network. The Council of Europe and the United Nations have a role to play in this area too in the wider field.

The development of a national crime prevention strategy, therefore, could usefully focus on a number of essential elements. These include the development of

- a “knowledge base”, to improve our understanding of the phenomena of crime;
- a “partnership theme”, to promote awareness and co-operation at all levels; and
- a “social and economic priority” to integrate crime prevention considerations into relevant social and economic policies and programmes.

Our response to crime, therefore, must involve a significant amount of co-ordination between this Department and other Departments and State Agencies, as well as the voluntary sector and community-based groups at local level. Any views put forward by the National Crime Council in this area will be given full consideration.





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### Improving crime statistics

In recent years, some concern has been expressed about unreported and/or unrecorded crime and whether Garda crime statistics constitute valid measures of levels of offending. Some of the criticisms of the official figures fail to take account of certain difficulties that lie in the way of compiling accurate police crime figures. The problem lies in uncertainties that sometimes arise as to whether something should or should not be recorded as a crime. If, for example, a person reports a crime and then withdraws the report having found that the wrong was committed by somebody that they do not wish to have investigated by the Gardaí- perhaps a family member – are the police to record the incident as a crime or not? If somebody appears at a Garda station and confesses to a crime before there is time to begin any investigation, is that a “detection”?

The Minister has recently set up an independent group to advise on the issue of crime statistics generally as recommended by the National Crime Council. He will also implement the Council's recommendation to conduct biennial crime victimisation surveys on a national basis, commencing in 2004. Such surveys are large-scale social surveys that question people directly about their experiences of criminal victimisation and associated issues over a set period of time. Although not without their own methodological difficulties, these surveys will incorporate those offences not reported to the Garda Síochána and so will provide a measure of unreported crime.

### Violence against women and children

We will continue to promote a greater co-ordination of response across agencies in relation to violence against women and children. The Garda Síochána, the Probation and Welfare Service and the Health Boards are involved in assisting victims of domestic violence, rape and sexual assault.

Reported incidents of sexual offences, for which the majority of victims are female, continue to increase, although it is likely that this can be accounted for by the increased willingness of victims to come forward, in the context of enhancements to the criminal law and Garda practice. Moreover, the National Steering Committee on Violence Against Women has conducted a number of awareness

campaigns in relation to domestic violence and continues to be proactive in developing policy in these areas.

In recent times, much concern has been voiced about the response to child sex abuse, particularly abuse dating back many years. To regulate current practice, new guidelines in the form of *Children First: National Guidelines for the Protection and Welfare of Children* were introduced in 1999. These guidelines aim to improve the identification, reporting, assessment, treatment and management of child abuse; clarify the responsibilities of various professionals and individuals within organisations; and enhance communication and co-ordination of information between disciplines and organisations. Crucially, as prescribed in the guidelines, notification and liaison arrangements between the key agencies empowered by law to carry out the assessment and investigation of suspected child abuse – the health boards and the Garda Síochána – have been put in place.

In relation to cases of suspected child abuse dating back some years, the capacity of the Garda Domestic Violence and Sexual Assault Unit has been supplemented to enable it:

- carry out an analysis of cases;
- review particular cases with a view to determining whether further lines of inquiry might be available which could lead to preferring criminal charges;
- pursue any additional evidence which becomes available;
- fully investigate fresh complaints which might be made.

The policy of the Garda Síochána in investigating child sexual abuse in general is to facilitate the reporting of such abuse, and the matter is central to Garda training.

To increase awareness of the nature and incidence of domestic abuse and to inform future policy in this area, the National Crime Council is conducting a major national survey on this subject, and its findings will be made known in 2004.

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### Racially motivated crime

In recent years, given net inward migration in many forms, Ireland has become much more racially, ethnically and culturally diverse. Unfortunately, however, in some cases, individuals from minority groups may experience criminal victimisation solely as a result of their differing race, ethnicity or culture. Although an effective response requires actions beyond those possible from within the criminal justice system, law enforcement authorities and related bodies are providing training for staff members to ensure responsiveness and sensitivity to these issues in addition to enforcement directed at offending motivated by race, ethnicity or culture.

### Victims of crime

It is a reality that, in this jurisdiction, as in many others, certain people experience a much greater fear of crime than do others – it is both a product of and a contributor to a sense of individual vulnerability. Increasingly, attention is being given not only to those who fall victim to crime but to those who, although not actually victims, nevertheless curtail their activities and alter their routines through fear of crime. The fact that the fear of crime can sometimes be much greater than the objective reality of the risk of personal victimisation actually warrants, doesn't alter the fact that for some the fear can have quite an adverse impact on their whole way of life. Because of the reality that some are more fearful and apprehensive than others, there is a particular responsibility on the media to ensure that crime reporting is accurate but, above all, that the incidence of crime is not exaggerated or sensationalised.

Most people know that when, following particular criminal occurrences, there are claims to the effect that "law and order has broken down", these claims are very far from reality. They are, however, claims which, if sensationally presented, strike further fear into those whose fear of crime is already acute. The National Crime Council has established a subgroup on public education and awareness as a means of combating misperceptions of risk in relation to criminal victimisation.

One of the most 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 to victims of crime. It is proposed to continue and consolidate this support and ensure that this valuable community asset is directed cohesively towards giving assistance to crime victims.

In relation to the compensation of victims, the Criminal Injuries Compensation Scheme is currently being reviewed in consultation with a number of interested organisations including Victim Support. A related development are proposals for an EU Directive to establish minimum standards in relation to criminal injuries compensation which are under discussion.

### Mutual assistance and extradition

The coming period will see major changes in the operational functions of the Department's Central Authority for Mutual Assistance in Criminal Matters following from legislation due to be enacted in 2003 in the extradition and mutual assistance fields.

The extradition legislation will give effect in Ireland to the 2002 Council Framework Decision on the European arrest warrant. Under the new arrangements the Department will for the first time be designated as a Central Authority in the extradition area and will have the function of providing practical and administrative assistance to the competent judicial authorities.

The mutual assistance legislation will give effect to comprehensive measures drawn up by the European Union and by the Council of Europe to develop and modernise existing provisions. The operational procedures of the Department's Central Authority for Mutual Assistance will require substantial transformation to take account of the new legislative provisions.

The role of the Department's Central Authority will be further expanded over the coming period by new functions to be assigned to it under the measures currently being developed as part of the European Union's programme of mutual recognition of decisions and enforcement of judgements in criminal matters. A continuing challenge in this area will be to balance demands arising from assisting in negotiations on a wide range of new initiatives in different fora, making changes in operational procedures to implement new agreements as they



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are concluded and managing the increased demands in respect of requests.

The steps being taken will represent an important contribution towards achieving an efficient and comprehensive approach to the fight against all forms of crime.

### EU and international

There is a significant international dimension to our crime policy responsibilities, particularly in relation to combating drugs and organised crime and in the context of our forthcoming EU Presidency role. This is dealt with under High Level Goal 8.

### 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.*

- Develop evidence-based policy initiatives according to identified need, with particular regard to public order offences.
- Continue to commission crime-related research as an important aid to policy making.
- Prepare a Government White Paper on Crime.
- Reduce the opportunities for crime in partnership with the public, private and community sectors.
- Promote the development of crime prevention techniques and methods.
- Contribute to a reduction in the social and economic factors which facilitate criminal behaviour.
- Share best and promising practices in crime prevention at an international level with a view to national dissemination.
- Consider and implement, where appropriate, the recommendations of the National Crime Council.

### Objective 1-2

*Contribute to the ongoing development and implementation of the overall strategic objective of the National Drugs Strategy 2001-2008 to reduce significantly the harm caused to individuals and society by the misuse of drugs through a concerted focus on supply reduction, prevention, treatment and research.*

- Develop measures, in consultation with Government Departments and agencies, and with the community/voluntary sector, to ensure a co-ordinated and integrated range of responses.
- Contribute, in consultation with the Garda Síochána and the Revenue Commissioners, to the supply reduction objective of reducing significantly the volume of illicit drugs available in Ireland, of arresting the dynamic of existing markets and of curtailing new markets as they are identified.
- Contribute to the objectives of the operational agencies in achieving a significant reduction in access to all drugs, particularly those drugs that cause most harm amongst young people especially in those areas where misuse is most prevalent.
- Take part in the working framework which has been established to implement the National Drugs Strategy 2001-2008, including the Interdepartmental Group on Drugs (IDG), National Drugs Strategy Operational Team, National Advisory Committee on Drugs and National Assessment Committee for the Young People's Facilities and Services Programme.
- Contribute to the development of international policy in responding to the drugs problem, especially at European Union level, and also at the level of the United Nations and the Council of Europe.
- Continue to support the activities of the Forensic Science Laboratory in the analysis of seized drugs including activities which enable the Laboratory to recognise and report trends in types of illicit drugs seized.

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**Objective 1-3**

*Within the framework of the overall objective of developing a comprehensive and measured policy for responding to crime generally, ensure that there continues to be an effective policy in relation to combating organised crime.*

- Support and ensure that the necessary resources are provided for the Criminal Assets Bureau.
- Consult with the Garda Síochána to determine evidence-based data assessing threats and future trends.
- Identify policy and resource priorities based on analysis of problems.
- Take part in the development of international policy to respond to organised crime, especially within the framework of the European Union, United Nations, Council of Europe and OECD.

**Objective 1-4**

*Contribute to the development of an accepted framework for the production and presentation of crime statistics and promote the availability of complementary sources of crime data, in order to provide a greater quantity and quality of information on levels and trends of crime.*

- Contribute to and support the work of the expert group established to examine and make recommendations on the collation and presentation of reported and recorded crime statistics.
- Conduct biennial national crime victimisation surveys, commencing in 2004.
- Commission, where appropriate and on an ad hoc basis research, on the preparation and/or collation of statistics in relation to specific and narrowly focused areas of crime.

**Objective 1-5**

*Develop proposals in relation to the establishment of a national DNA database as an important aid in crime detection and, subject to Government decision, proceed towards implementation.*

- Set up a working group to develop the detailed and interdependent policy, legislative proposals and actions required to establish a national DNA database.
- Subject to Government approval, implement the recommendations of the working group with a view to realising the database at an early date.

**Objective 1-6**

*Promote the RAPID (Revitalising Areas by Planning, Investment and Development) Programme in the Justice area.*

- Continue to be represented on the RAPID National Monitoring Committee.
- Continue to co-ordinate and support the implementation of the RAPID programme by the Garda Síochána, Probation and Welfare Service and relevant divisions of the Department.

**Objective 1-7**

*Continue to focus on youth and 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 outstanding relevant provisions of the Children Act 2001, in the wider context of the National Children's Strategy *Our Children – Their Lives*.
- 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.
- Support enforcement of the liquor licensing laws, with particular reference to provisions relating to the mandatory temporary closure of licensed premises where there have been convictions for allowing under-age drinking.
- Introduce legislation to support and strengthen enforcement activities by the Garda Síochána in responding to drunken and disorderly conduct outside potential 'hot-spots' of public disorder, such as late-night fast-food outlets.



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### Objective 1-8

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

- Assist the National Steering Committee to develop policies in relation to these issues.
- Conduct annual awareness programmes to tackle domestic violence.

### Objective 1-9

*Continue to promote, implement and monitor the right to equal treatment and the accommodation of diversity in crime prevention and criminal justice processes, with particular regard to race, ethnicity and culture.*

- Continue to support the work of the Garda Racial and Inter cultural Office, which is responsible for co-ordinating, monitoring and advising on all aspects of policing in the area of racial, ethnic and cultural diversity.
- Monitor the incidence of and trends in racially-motivated crime, now possible as a result of the development of a standard definition of such crime developed by the Garda Síochána and by data capture on the PULSE crime recording system.
- Complete the review of the Prohibition of Incitement to Hatred Act 1989, which prohibits actions intended or likely to stir up hatred, in co-operation with the National Consultative Committee on Racism and Interculturalism.
- Continue to support and develop broader civil strategies to promote equal status and equal participation in society by people of differing race, ethnicity or culture, including the National Anti-Racism Awareness Programme, the National Action Plan against Racism and the National Consultative Committee on Racism and Interculturalism.

### Objective 1-10

*Continue to develop a response to cybercrime.*

- Support the activities of the Internet Advisory Board in its task of supervising self-regulation and driving the general agenda of Internet safety.
- Contribute to policy development in relation to cybercrime including policy development at international level.
- Implement the recommendations of the Report of the Review Group on the Illegal and Harmful Use of the Internet.

### Objective 1-11

*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, the Department of Transport and other responsible agencies, to the review of the first Road Safety Strategy and implementation of the second National Road Safety Strategy, focusing on the key enforcement priorities of speeding, drink-driving, seat belt wearing and pedestrian safety.
- Ensure that the Garda Síochána is adequately equipped and resourced to fulfil its enforcement obligations under the road traffic laws, including a Government commitment on the introduction of a traffic corps.

### Objective 1-12

*Make effective use of the arrangements for mutual assistance in criminal matters and extradition between Ireland and other jurisdictions.*

- Develop effective operational procedures for the Central Authority for Mutual Assistance and the Central Authority for Extradition.
- Process requests for mutual assistance and extradition having regard to international standards of good practice and legislative and procedural requirements to ensure a high standard of service.



## Tackling Crime

- Participate in developments at national and international level in relation to extradition and mutual assistance to enhance operational procedures between Ireland and other jurisdictions.
- Participate in negotiations on bilateral arrangements for mutual assistance and extradition.
- Participate in the work of the European Judicial Network aimed at facilitating judicial co-operation between EU Member States.

### Performance indicators

The extent to which our 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. The performance indicators are:

- The ongoing effectiveness of legislation and other measures to tackle drugs and organised crime.
- Increases in the volume of drugs seized by the enforcement authorities in line with a key performance indicator in the National Drugs Strategy in the area of supply reduction which is to increase the volume of opiates and all other drugs seized by 25% by end 2004 and by 50% by end 2008 (using 2000 seizures as a base).
- Continuing implementation of the multi-agency approach within the Criminal Assets Bureau to deny those engaged in criminal activities of the proceeds of their crimes and the extension of the focus of the Bureau's activities to target the assets of middle-ranking criminals involved in drug dealing.
- Stronger external action by the development of co-operation agreements with third countries to tackle serious crime and drugs issues.
- Implementation and evaluation of action plans and programmes for common action against drugs and organised crime by EU Member States as agreed by Council.

- 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.
- The making of further commencement orders bringing into force outstanding provisions of the Children Act, 2001.
- Sufficient resources made available to the Garda Síochána to implement targeted policing operations, such as Operation Encounter, focusing on 'hot-spots' of public disorder.
- The introduction of guidelines for the establishment, operation, administration, management and monitoring of Garda youth diversion projects.
- Sufficient resources made available to the Garda Síochána to carry out their enforcement obligations in relation to road traffic law, with particular focus on the enforcement priorities identified in the National Road Safety Strategy.
- The effective operation of the Central Authority for Mutual Assistance and the Central Authority for Extradition.
- Timeliness and efficiency generally in responding to mutual assistance and extradition requests.
- Reforms at EU and other international levels of operational procedures on mutual assistance and extradition which adequately reflect the concerns of the State and which can be implemented effectively at national level.
- 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*

### Policy and working environment

The nature and extent of the threat posed by terrorist organisations to the security of the State or the wider international community vary from time to time according to circumstances. We will continue to keep the Minister and the Government advised of that threat and of any measures – legislative, administrative or operational – which may be necessary to combat it. Any measures put in place will be kept under continuing review in the light of changing circumstances.

The Department is closely involved in European Union and international initiatives to combat terrorism. The need to participate fully in the international effort against crime and terrorism took on a new dimension following the terrorist attacks of 11 September 2001 in the United States and our role in this regard is set out under **High Level Goal 8**.

### 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 the Government on the terrorist threat.
- Continue to review security legislation in the light of changing circumstances and make any necessary proposals for legislative, operational or administrative change.
- Continue to participate in relevant EU and international fora and initiatives and to co-operate at an international level in countering the terrorist threat.

### Performance indicators

- The Minister and Government are advised in good time of developments affecting the domestic and international security situation and of steps necessary to secure the security of the State.
- Full co-operation with international anti-terrorist initiatives and compliance with international obligations.

### Firearms and explosives

We have 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 2-2

*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 the 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 structures, resources and capacity to operate in an efficient and effective manner, meeting the best practices of a modern police service, taking account of the Government's and Minister's key objectives and accounting for its performance and for the management of the resources allocated to it*

## Garda Síochána

### Policy and working environment

The Garda Síochána, as our national police force, has a number of core functions, in particular the prevention, investigation and detection of crime and the protection of the security of the State and the institutions of the State. It is a key agency in the criminal justice system and its effectiveness is critical to the success of Government policies on tackling crime. The Garda Síochána also co-operates extensively with the law enforcement agencies of other countries, both bilaterally and through structures developed within the European Union.

There are currently nearly 12,000 members of the Garda Síochána. In addition, there are over 1,000 civilians working within the Garda Síochána. It is planned to make the greatest possible use of the existing capacity of the Garda Training College over the next two years to bring the strength of the Force to 12,200, its current authorised strength. Furthermore, it is intended that the strength of the Force be increased above the figure of 12,200 as soon as economic and budgetary circumstances permit the Government to make progress towards the target of 14,000 provided in the Programme for Government for achievement by 2007.

The role of the Department is to promote Government policy on policing, to keep under review and formulate proposals for the development of the regulatory and structural framework within which the Garda Síochána operates, to seek to secure for the Garda Síochána the resources necessary for it to carry out its functions, and to promote measures designed to contribute to greater accountability, economy, efficiency and effectiveness. The Department must also ensure that the Minister is in a position to meet his obligations to account to the Government and the Houses of the Oireachtas for the performance of the Garda Síochána.

Significant developments in this regard are the commitment in the Agreed Programme for Government to bring forward legislative proposals for the establishment of a Garda Inspectorate, and the recent approval by Government of a report on Performance and Accountability, which developed out of the Garda SMI process (and further proposals on significant managerial and structural reform of the Garda Síochána are due to emerge from this process). Work is now under way to develop legislative proposals in both these areas.

The Garda Síochána works closely with the Department in participating in police co-operation developments in the European Union. A particular challenge currently is the making of preparations for Ireland to participate in certain aspects of the Schengen Convention. Looking ahead, the 2004 Irish Presidency of the Union has management and resource implications for the Garda Síochána as well as the Department.

In the context of Northern Ireland, an immediate challenge is the making of the necessary legislative and administrative arrangements to facilitate the implementation of the agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland on police co-operation.

### Objective 3-1

*Seek to secure for the Garda Síochána the necessary personnel, financial and other resources to provide an effective and high quality policing service.*

- Provide and account for financial resources through Garda Vote.
- Provide for payment of Garda salaries.
- Repair and maintain Garda buildings to an appropriate standard.
- Extend closed circuit TV (CCTV) networks as resources permit.
- Continue upgrade of IT and telecommunications systems as resources permit, including in particular the introduction of the Schengen Information System and the Fixed Charge Processing System (which will enable full implementation of the penalty points system).

### Performance indicators

- Full and proper accounting for Garda Vote.
- Views of Public Accounts Committee.
- Development of IT and telecommunications systems.
- Number of CCTV schemes operational.



## Garda Síochána



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### Objective 3-2

*Pursue the programme of organisational change arising from the recommendations of the Report of the Steering Group on the Efficiency and Effectiveness of the Garda Síochána.*

- Continue progress of reform under the Strategic Management Initiative.
- Develop legislative proposals arising from the report on Performance and Accountability.
- Finalise proposals for change arising from the review of Garda organisation, structures and operating systems.
- Present final Garda SMI report in 2003.

#### Performance indicators

- Legislative proposals on performance and accountability prepared.
- Proposals for change arising from the review of Garda organisation, structures and operating systems finalised.
- Final Garda SMI report prepared.

### Objective 3-3

*Manage compensation claims relating to the Garda Síochána.*

- Ensure the efficient management and monitoring of all
  - (i) compensation claims by Gardaí
  - (ii) civil actions taken against the Minister in respect of the Garda Síochána.
- Develop and finalise proposals for reform of the Garda Síochána (Compensation) Acts.

#### Performance indicators

- Timely processing and effective monitoring of compensation claims by Gardaí and civil actions taken against the Minister.
- Legislative proposals on reform of the Garda Síochána (Compensation) Acts prepared.

### Objective 3-4

*Administer the Garda Conciliation and Arbitration Scheme.*

- Ensure the efficient administration of the Garda Conciliation and Arbitration Scheme.
- Develop proposals for reform of the Scheme in line with practice throughout the public service.

#### Performance indicators

- Timely processing of claims and issues at Council.
- Proposals for reform of the Conciliation and Arbitration Scheme prepared.

### Objective 3-5

*Establish a Garda Inspectorate.*

- Develop legislative proposals for the establishment of a Garda Inspectorate for the independent investigation and oversight of complaints against Gardaí and for the related review of Garda practices and procedure.
- Subject to the enactment of legislation, to make the necessary arrangements for the establishment of the inspectorate.

#### Performance indicators

- Preparation of legislative proposals for the establishment of the Garda Inspectorate.
- Subject to the enactment of legislation, the establishment of the Inspectorate.

### Objective 3-6

*Support the investigation into allegations of Garda misconduct in Donegal and take any necessary follow-up action required.*

- Continue to support the work of the Morris Tribunal of Inquiry.
- Pursue any necessary follow up action required arising from the report of the Tribunal.

## Garda Síochána

**Performance indicators**

- Tribunal fully resourced and facilitated.
- Assessment made of the need for any consequential action.

**Objective 3-7**

*Support the investigation into the fatal shooting of John Carthy at Abbeylara and take any necessary follow-up action required.*

- Continue to support the work of the Barr Tribunal of Inquiry.
- Pursue any necessary follow up action required arising from the report of the Tribunal.

**Performance indicators**

- Tribunal fully resourced and facilitated.
- Assessment made of the need for any consequential action.

**Objective 3-8**

*Optimise co-operation between the Garda Síochána and the Police Service of Northern Ireland.*

- Support police co-operation measures set out in the Intergovernmental Agreement signed on 29th April, 2002.
- Develop legislative proposals to facilitate secondments with policing powers and lateral entry, and facilitate necessary administrative measures.

**Performance indicators**

- Preparation of legislative proposals.
- Agreement on administrative measures.





# 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*

### Policy and working environment

The Courts Service was established under the provisions of the Courts Service Act, 1998 on 9 November, 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 was conferred on the Courts Service.

The Department has the following key roles in respect of the Courts system:

- to discharge ministerial functions in relation to the Courts, including all constitutional and legislative matters relating to judicial appointments and salaries, the making of Rules of Court and the preparation of material in relation to the Minister's accountability to the Dáil on courts issues. We are 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;
- 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.

### 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 court IT systems with other criminal justice agencies, facilitating improved linkage between the statistical outputs of the various criminal justice agencies, to allow for the development of a repository of information which is critical for the formulation of effective policies for tackling crime.

### Objective 4-3

*Ensure the implementation of those objectives set out in the Programme for Government which relate to the Courts and the Courts Service.*

- Progress the implementation of the commitments in the Government Programme which relate to policy considerations in respect of the courts and the judiciary.
- Ensure that the Courts Service Strategic Plan 2002 – 2005 affords priority to the implementation of the relevant objectives in the Government Programme and includes appropriate strategies in relation thereto.
- Ensure that progress is monitored by means of Annual Reports and any other management reporting systems necessary.
- Coordinate any cross-service activities needed to achieve the objectives in the Government Programme.



## The Courts

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### Objective 4-4

*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 have 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.
- Work with the Courts Service to ensure that all appropriate 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.

### Objective 4-5

*Work with the Courts Service to develop full participation by the courts in the eGovernment initiative for the delivery of public services to the citizen and to businesses.*

- Ensure that the Government policy on eGovernment is reflected in the Courts Service Strategic Plan.
- Establish an appropriate liaison mechanism with the Courts Service to agree targets and monitor progress.
- Provide support and necessary liaison to achieve agreed targets.

#### 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 reflects 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 their important role in society.
- Implementation of relevant objectives in the Programme for Government.
- Development of effective management reporting procedures and mechanisms.



# Prisons and 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 and to encourage best practice including appropriate mechanisms of accountability for both these Services*

## Prisons and Probation and Welfare



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### Policy and working environment

The role of the Department is to provide policy 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 as offender treatment agencies is the effective implementation and enforcement of the sanctions and sentences of the courts. 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 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 can be supplemented on release by Probation and Welfare supervision.

Furthermore, there are responsibilities specific to each Service: the Prison Service is responsible for the maintenance of prison security and the 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 re-offending.

The programme for 2003 to 2005 builds on the considerable progress which has been made during the past 3 years. The primary focus in this period will continue to be on the development of effective means of service delivery. This will involve -

- reviewing and developing the structures of the Prison Service and the Probation and Welfare Service;
- providing, within available finances, the necessary staffing resources, administrative infrastructure and systems to enable these Services to deal effectively and efficiently with their business;

- in particular, focusing on increasing collaboration between the Prison Service and the Probation and Welfare Service to achieve shared aims and objectives;
- supporting and facilitating the work of the Parole Board which advises the Minister on the management of long term sentences and the Prisons Inspectorate which provides independent scrutiny of the custodial management of prisoners;
- ensuring that policy and practice in relation to the management of offenders are informed by research on what works – a critical challenge in the period ahead;
- supporting the Prison Service in completing the programme of modernising the prisons and providing extra places so as to avoid overcrowding in the prisons;
- supporting the Prison Service in developing more effective measures to tackle drug abuse, particularly heroin abuse, in prison;
- reducing the barriers to employment and accommodation for prisoners leaving prison.

### Objective 5-1

*Advance the process of structural and systems development.*

- Review and develop the structures of the Irish Prison Service and the Probation and Welfare Service in order to further the achievement of their objectives.
- Monitor the operation of the Service Level agreement concluded between the Prison Service and the Probation and Welfare Service in 2002.

### Performance indicators

- Continued development of the Prison Service and the Probation and Welfare Service.
- Implementation of the Service Level Agreement between the Prison Service and the Probation and Welfare Service.

## Prisons and Probation and Welfare Policy

**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.*

- Support and monitor the implementation by the Prison Service and the Probation and Welfare Service of relevant commitments in the Programme for Government.
- Promote co-operation between the Prison Service and the Probation and Welfare Service, and other relevant agencies, on enhancing accommodation and employment prospects for prisoners leaving prison.

**Performance indicators**

- Implementation of relevant commitments in the Programme for Government.
- Enhanced co-operation between the Prison Service and the Probation and Welfare Service and other relevant agencies.

**Objective 5-3**

*Keep the Regulatory framework up to date.*

- Finalise the new Prison Rules.
- Prepare Temporary Release regulations for introduction when the Criminal Justice (Temporary Release of Prisoners) Bill, 2001 is enacted.

**Performance indicators**

- Prison Rules progressed to completion.
- Temporary Release regulations prepared.





# 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*
- *to give legislative effect to international instruments on criminal and civil law matters by means of primary or secondary legislation, or, where appropriate, to take the necessary administrative action*

## Criminal and Civil Law Reform

### Policy and working environment

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. Details of the full Government legislation programme are made available in the form of press releases issued by the Office of the Government Chief Whip at regular intervals.

The Department's law reform programme is designed to give effect to the Government's Legislative Programme which includes the commitments set out in the Agreed Programme for Government. However, it will invariably fall to be adjusted from time to time in response to changing circumstances. For example, co-operation in the civil and criminal law areas has become more intensive at the European Union level and this results in the need to bring forward legislative proposals to give effect to agreements reached by the Member States. Similarly, ratification of other international agreements, or court decisions, can lead to new Government objectives and a re-ordering of law reform priorities. The international response to the terrorist attacks on the US in September 2001 had an immediate impact on the criminal law reform programme.

We are responsible 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 falling within the Minister's remit, as well as drawing up any subsequent legislative proposals for approval by Government. This involves keeping the law under review so as to identify potential reforms for consideration by Government. As part of this process, we engage in and promote research and assess reports or submissions from advisory or research bodies, notably from the Law Reform Commission, and consult with relevant interests. It also involves us in close co-operation with relevant Departments in relation to policy-development, and the implementation and monitoring of legislation and international instruments. (See cross-Government Table, Page 14).

### 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 (for example in the context of the 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. The Criminal Justice (Garda Powers) Bill 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. In recent years, there has been 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 drug offenders, and those offenders who are mentally ill. The Criminal Justice (Insanity) Bill will reform the process by which the criminal law will deal with mentally ill offenders. The Drugs Bill will, in accordance with commitments in the Agreed Programme for Government provide for a register of convicted drug traffickers as well as providing for higher penalties for persons who supply drugs to prisoners.
- 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. The Criminal



## Criminal and Civil Law Reform

Justice (Garda Powers) Bill will, for example, 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. We are required to respond to an ever increasing number of EU proposals for action in the criminal justice area. A quarter of the bills on the current criminal law programme have an international or EU dimension. Moreover, the need to participate fully in the international effort against crime and terrorism took on a new dimension following the terrorist attacks on the US in September 2001 and this is having a significant impact on our work programme as illustrated in the discussion on our involvement in the international fight against crime and terrorism under **High Level Goal 8**.
- The need to codify the law. The latest example of codification of a particular area of the law can be found in the recently enacted Criminal Justice (Theft and Fraud Offences) Act 2001 which codified the law on theft. The Law Reform Commission are at present examining the last major area of substantive criminal law which is in need of codification i.e. the law on homicide. A more ambitious project is contained in the Agreed Programme for Government, this is to codify in a single Crimes Act all substantive criminal law offences. Work on this major project will commence soon, initially by way of a scoping study to determine the parameters of the project.

### 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. Reform of the law relating to personal injuries and the licensing laws come under this heading.
- 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.

- The need to implement 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, for example, laws relating to regulation of the legal professions.
- The need to reform processes, structures and jurisdictions with a view to promoting the efficient administration of the courts and enhancing access to justice, e.g. Courts acts, arbitration, reform of the coroner service.
- The need to give legislative effect to international instruments dealing with civil and commercial matters, or other matters within the Minister's remit, whether by primary legislation, secondary legislation or administrative action (See also **High Level Goal 8** in relation to the EU and international dimension).

### Objective 6-1

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

- Prepare and implement proposals for legislation. Details of the programme are published at regular intervals by the Office of the Government Chief Whip.

### 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.



## Criminal and Civil Law Reform

- 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 appropriate.

**Objective 6-4**

*Ensure an efficient and effective national contribution to the deliberations and achievements of the EU and other relevant international bodies in the area of criminal and civil law co-operation.*

- Participate in the various EU and other international fora to which Ireland is a party in order to negotiate instruments and, where necessary, bring forward legislative proposals to implement adopted instruments.

**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 interdepartmental committees and other relevant fora including in the international sphere.

**Objective 6-6**

*Ensure an efficient and effective contribution to the deliberations of the Houses of the Oireachtas on European Union issues.*

- Maintain and develop procedures allowing for efficient and effective consultation with the Houses of the Oireachtas in relation to European Union issues in particular having regard to Article 29.4.6 of the Constitution and new Oireachtas procedures for the scrutiny of certain European union issues.

**Performance indicator**

- The benchmark of our performance will be the delivery of the Government's Legislative Programme, including our EU and international commitments. This must take account of any changes arising in Government legislative and other priorities and the volume of initiatives arising at EU and international levels and the pace at which negotiations progress.





# Human Rights

## High Level Goal **7**

*To implement the Human Rights Commitments in the Good Friday Agreement and the ongoing review and revision of human rights aspects of criminal law and practice principally insofar as the Department's sphere of responsibilities are concerned*

## Human Rights

**Objective 7-1**

*Following the enactment of the Human Rights Commission Acts, 2000 and 2001, and in accordance with the provisions of those Acts, ensure the complete operational establishment of the Human Rights Commission –*

- (a) *to enable it to implement fully the commitment in the Good Friday Agreement, and*
- (b) *to fulfil the Government's commitment that the Commission will be a model for others to follow as an institution which will set rather than follow standards of best international practice in the promotion, protection and development of human rights in the State, in an all Ireland context and internationally in association with other rights based organisations.*

- Continue to ensure the successful establishment of the Human Rights Commission by providing the necessary staffing, financial and logistical resources to the Commission in accordance with statutory requirements.
- Provide assistance to the Commission in an all Ireland context, in their crucial role in the work of the Joint Committee which has been 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**

- The recruitment of the independent administrative staff of the Commission and the acquiring of appropriate office accommodation open to the public to enable the Commission to implement the commitments in the establishing legislation.

**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.

**Performance indicator**

- Enactment of the European Convention on Human Rights Bill, 2001.

**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.*

- Monitor the possible effects on criminal law and practice in so far as the Department's sphere of responsibilities is concerned.
- Develop, subject to the Constitution, appropriate legislative proposals in the criminal law area 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.
- Consult with the Commission on draft proposals in the criminal law area with implications for human rights in accordance with the provisions of section 8(b) of the Human Rights Commission Acts, 2000 and 2001.

**Performance indicator**

- Timely revision of legislation and submission of draft legislative proposals as agreed by the Minister.





# 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 ability to tackle crime, law reform, equality and asylum and immigration strategies*

## European Union and International

### Policy and working environment

The Department's strategies in the areas of crime, law reform, asylum and immigration and equality issues are significantly influenced by initiatives and programmes arising at EU level and across other international fora such as the Council of Europe and the United Nations. The development of our input in these areas is a vital and demanding aspect of our work. Over the next three years, this area will expand and assume even greater importance with both the Irish Presidency of the EU (which runs from January to June 2004) and the proposed Inter-Governmental Conference in the first six months of 2004, in particular, having a significant impact on our resources and priorities. In addition, the report of the Convention on the Future of Europe and the enlargement process, with the accession of up to ten new Member States, are likely to significantly impact on the Department and give rise to an increasingly challenging and complex work environment.

### The Treaties

The Treaties have a very significant policy impact on the Department. A primary objective is the establishment by the European Union of an area of freedom, security and justice by progressive stages. This includes a closer focus on the individual rights and freedoms of citizens of the European Union.

What is referred to as the 'Third Pillar' focuses solely on intergovernmental action in the fields of police and judicial co-operation in criminal matters so as to achieve an area of freedom, security and justice. This involves the taking of common action to prevent and combat all forms of crime affecting the area including organised crime, trafficking in persons, offences against children and drugs trafficking. Decisions in the intergovernmental area are generally taken by unanimity and consultation with the European Parliament.

What is referred to as the 'First Pillar', involving judicial co-operation in civil matters, immigration, asylum, visa policy, other policies relating to the free movement of persons and the Department's equality remit, operates within the Community framework. This is also the Pillar within which other major aspects of EU development is progressed – for example in agriculture, competition policy etc.

The typical features of the decision making within this area are the widespread use of qualified majority voting in the Council, co-decision (i.e. the European Parliament in the role of co-legislator with the Council) and sole right of initiative by the European Commission. Notwithstanding this, the Treaties provide for decisions in many of the policy areas falling within the Department's remit in this Pillar to be taken by unanimity and consultation with the European Parliament. However, arising from the Treaty of Nice and other Treaty provisions, the Community framework system will increasingly apply to many areas of the Department's First Pillar responsibilities and this is expected to contribute to the growing complexity of the policy environment within which the Department has to operate.

Justice and Home Affairs is the most rapidly growing legislation making area of the European Union. Its importance and relevance has further increased in the aftermath of the terrorist attacks on the US in September 2001 which led to an extensive and wide-ranging programme of measures to combat terrorism.

The Treaties also provide the EU with a competence to take action to combat discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation thereby widening the focus of gender equality to spheres of activity other than employment. This is an important and complex area of our policy remit.

Our involvement in EU matters in the next three years will continue to be driven largely by the policy requirements of the Treaties and the related legislative measures and other actions which are required. The reality of enlargement, the ever growing complexity of the policy environment, the deliberations of the Convention on the Future of Europe and the Inter-Governmental Conference which is likely to follow, means that the capacity of the Department to network and to build alliances with other Member States on matters of national importance will assume even greater importance and impose even greater demands over the next three years.



## European Union and International

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### EU Presidency 2004

The Irish Presidency of the European Union takes place from January to June 2004. This will involve an additional and high-profile volume of work for the Department which will commence in the lead-up to the Presidency from early 2003. The Presidency will require a significant commitment of time and additional resources at all levels if the Department is to meet the demands which will be placed on it. The accession of up to ten new Member States, which is expected will take place during the course of the Irish Presidency, will add to the challenges involved and increase the volume and complexity of the workload.

The key objective will be to ensure that the Department is well placed to successfully lead and manage the Presidency workload in all areas of its EU responsibilities. A key challenge will be to ensure a successful Presidency while maintaining the provision of essential day-to-day services such as servicing the requirements of the Oireachtas. It will be necessary to have the appropriate resources and structures in place from early 2003.

### The future of Europe

The Convention on the Future of Europe was established following a decision of the European Council held in Laeken in December 2001. The purpose of the Convention is to propose a new framework and structures for the European Union. The Department's input to this important process requires a significant commitment of time and resources in respect of the policy areas falling within its remit. The Convention held its inaugural meeting in February 2002 and is expected to produce a final report in 2003 which will be considered at a subsequent Inter-Governmental Conference. The final report and the outcome of the Inter-Governmental Conference may well have considerable implications for the Department's policy remit.

### Crime policy

A key Presidency responsibility will be in the area of progressing intergovernmental co-operation among Member States with the objective of providing citizens of the Union with a high level of safety within an area of freedom, security and justice, as specifically mandated under the Treaty of Amsterdam.

In particular, the Vienna Action Plan, agreed by the European Council and Commission in December 1998, details how best to implement the provisions of the Treaty establishing this area of freedom, security and justice. Subsequent developments, particularly the Presidency Conclusions of the Tampere European Council on 15/16 October, 1999, specify extensive requirements for a Union-wide fight against crime.

### Criminal law reform

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. The adoption of the Amsterdam Treaty 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 in relation to the negotiation of provisions acceptable in an Irish context and the requirement to inform the Oireachtas through its Committees in relation to these initiatives and their consequences for Ireland. 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. Indeed the need for the Department to respond to these demands becomes all the more acute as we prepare for our Presidency of the EU.

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



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the Members 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. 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.

### International terrorism

The need to participate fully in the international effort against crime and terrorism took on a new dimension following the terrorist attacks on the US in September 2001. New UN and EU measures have impacted significantly on our work programme over the past year. This demand may continue to impact on our legislative priorities as we become more involved in critical international negotiations or proposals for stronger powers in the international community's fight against terrorism. This work will focus on negotiating new bilateral agreements, ratification of international conventions and preparation of legislation to implement EU measures to combat terrorism, extradition and mutual legal assistance.

### Civil law reform

The need to give legislative effect to international instruments on civil and commercial law matters continues to have an impact on the civil law reform programme. Increasingly, however, within the EU in particular, the focus of attention is shifting towards the commitment required to deal effectively with the growing volume of initiatives which are arising in the expanding and important field of judicial co-operation in civil matters. With cooperation in this area now an intrinsic part of the Treaty establishing the European Community, the pace of development has accelerated markedly. Within the last three years, eight initiatives have been adopted and negotiations are ongoing in respect of five others. Further initiatives, necessitated by the framework outlined below, will undoubtedly be coming on stream within the 2003-2005 period.

A five-year framework for progress in judicial co-operation in civil matters is based on the Amsterdam Treaty, the Vienna Action Plan of December 1998 and the Tampere Conclusions of September 1999. Towards the end of 2000, a wide-ranging programme of measures for implementing the principle of mutual recognition of decisions in civil and commercial matters was 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, we are 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.

### Equality

Obligations in the area of equality which derive from Ireland's membership of the EU, Council of Europe, UN and the International Labour Organisation 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 equal treatment on grounds of race, religious belief, disability, age, sexual orientation, equal opportunities between women and men and generally exerting a positive influence on policy-making in EU and 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**). In the UN area, there will also be a focus on the production of Ireland's first report under the Convention for the Elimination of all forms of Racial Discrimination in 2003 and the submission to the UN of a National Anti-Racism Action Plan. Cross-Departmental co-operation will be a prerequisite to meeting these obligations.



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### Asylum and immigration

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 which is developed further under **High Level Goal 10**. Objective 8-6 reflects the international dimension of our responsibilities in the areas of asylum and immigration policy.

#### Objective 8-1

*Ensure that the Department is well placed to successfully lead and manage the Presidency workload in all areas of its EU responsibilities.*

- Secure the additional personnel resources and put in place the necessary structures for the Irish Presidency of the EU, commencing from early 2003.
- Secure the necessary additional funding to meet the demands which will arise as a consequence of the Irish Presidency of the EU.

#### Performance indicator

- Additional staff and necessary funding in place at commencement of Irish Presidency.

#### Objective 8-2

*Contribute to the deliberations of the Convention on the Future of Europe.*

- Develop policy positions and provide briefing material as required.
- Network and build alliances with like-minded Member States on issues of national importance.

#### Performance indicator

- Alliances built, where necessary or appropriate, and policy positions developed for the negotiation process.

#### Objective 8-3

*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 and review of the action points in the EU Action Plan on Drugs (2001-2004).
- Participate in the newly established European Crime Prevention Network.

#### Objective 8-4

*Ensure effective national contribution and participation in the deliberations of the EU in the areas of judicial co-operation in civil and criminal matters and in other international bodies such as the UN and the Council of Europe.*

#### Performance indicator

- Instruments at EU and international level which adequately reflect the concerns of the State.

#### Objective 8-5

*In the area of human rights, equality and discrimination, ensure effective national contribution and participation in the deliberations of the European Union and EU bodies such as ECRI (European Commission against Racism and Intolerance) and EUMC (European Union Monitoring Centre on Racism and Xenophobia) and other relevant international bodies such as Council of Europe and the UN.*



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**Objective 8-6**

*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 a common 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 indicator**

- 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 8-7**

*Support our policing commitments at international level.*

- Co-ordinate with Garda Síochána on policing aspects of Irish Presidency.
- Maintain input to management of Europol and participation in police orientated EU working groups.
- Prepare for Ireland's participation in certain aspects of the Schengen Convention and the implementation of the Schengen Information System.
- Continue involvement of Ireland in UN, OSCE and EU international police missions as appropriate.

**Objective 8-8**

*Implement obligations arising in relation to the Schengen acquis on foot of the EU Council Decision in February 2002 approving Ireland's application to participate in aspects of the acquis.*

- Implement administrative and legislative measures across a range of areas, including police co-operation, judicial co-operation, illegal immigration and the Schengen Information System.

**Performance indicator**

- EU Council Decision(s) approving Ireland's implementation measures.



# 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*

### Policy and working environment

The Department, together with the Departments of the Taoiseach and Foreign Affairs, continues to play an important role in the implementation of a lasting political settlement in Northern Ireland. Since the Good Friday Agreement, we have been involved in progressing those elements of the Agreement which are within our area of competence – we have particular responsibilities in relation to 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 on the need for progress on the issue of decommissioning and we 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.

In addition to supporting government participants in the institutions established by the Agreement, the Department continues to advise on and implement Government policy relating to the Agreement.

### Objective 9-1

*Further the peace process, with emphasis on those matters for which the Department has particular responsibility.*

- Provide briefing and advice to the Minister and the Government in formulating and implementing policy in relation to the Good Friday Agreement.
- Facilitate the work of the Independent International Commission on Decommissioning (IICD).

### Performance indicators

- Government supported in progressing the peace process.
- The IICD is equipped to carry out its mandate.





# 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 in the area*

## Asylum, Immigration and Citizenship

### Policy and working environment

The issues of immigration, asylum and citizenship have assumed a new prominence in public debate in Ireland in the past few years as the number of non-nationals arriving here has increased significantly. For example, the number of applications for refugee status lodged in 2002 was 11,634 (the second highest in the EU per capita), as compared, for example, with some 400 applications in 1995.

The scale of legal immigration into Ireland in recent years is evidenced in the increase in the number of legally resident non-EEA nationals (from 29,000 in 1999 to 93,500 in 2002). As well as the increased volume of applications from persons wishing to enter the State, there is also a greater variety of circumstances which must be addressed including marriage to an Irish national, parentage of Irish born children and citizenship applications.

Ireland has become a modern and thriving economy, and we are now experiencing the forces of migration in a new way, challenging long-held certainties and assumptions. We are also experiencing the broader impact of an interdependent world where a wide range of factors such as mass communication, geographical position, political and economic instability and indeed organised crime impact upon the movement of people.

Ireland must, as a fundamental expression of its humanitarian ideals, afford protection to genuine refugees. 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. The aim must be 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.

Despite its humanitarian purpose, the reality is that many people are seeking protection under the 1951 Geneva Convention to avoid legitimate immigration controls and this is resulting in a situation where sizeable resources are being tied up in dealing with unfounded asylum applications which could

otherwise be used to support those who are deserving of international protection and integrate them into our 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 human beings must not be allowed to operate in Ireland. 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.

### Main challenges and priorities

We recognise that asylum, immigration and citizenship matters are complex, long term issues that require action at national, European and international levels. With this in mind, the main challenges and priorities in the area of asylum, immigration and citizenship policy in the years ahead include:

- Implementing fully 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 increasing the rate of repatriation of failed asylum applicants whose applications have been processed to finality in order to maintain the integrity of the asylum process.
- Meeting 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.
- Ensuring that the State continues to have the capacity to accommodate and provide services for newly arrived asylum seekers.





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- Making use of the State's existing resources to ensure the full integration into Irish society of those applicants for asylum who receive refugee status.
- Continually reviewing and updating legislation, as required, 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.
- Keeping the number of applications from non-nationals to remain in the State on the basis of parentage of an Irish born child under review and developing policy responses to the issue.
- Further developing immigration policy with wide consultation and examining international best practice and bringing forward comprehensive new immigration legislation (Immigration and Residence Bill).
- Developing the opportunities for voluntary return of illegal immigrants.
- Responding effectively to increased trends in illegal immigration and in trafficking in and exploitation of human beings, often involving international organised crime.
- Developing relationships with other Departments who make a key input into the asylum and immigration process.
- Developing relationships with non-Government organisations (NGOs) working with asylum seekers and other immigrants.
- Participating fully in the development of EU policy and initiatives in the areas of asylum and immigration and ensuring that Ireland's interests are upheld.

### Linkages within the Justice and Equality sector

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 on whether an applicant should be granted refugee status while the Office of the Refugee

Appeals Tribunal considers appeals from recommendations of the Commissioner.

The year 2000 also saw the establishment of the Garda National Immigration Bureau. In 2002, the Government approved the recruitment of 200 additional Gardaí to allow for an increase in strength of the Bureau to provide an enhanced capacity to combat illegal immigration and for the enforcement of deportation orders.

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. Central to this will be the ongoing review of resource allocation within the immigration/asylum sector, with the necessary redeployment being made to meet ongoing and changing priorities.

### Linkages with other Government Departments and Agencies

The Reception and Integration Agency (RIA) operates under the aegis of the Minister for Justice, Equality and Law Reform. It is responsible for co-ordinating the provision of accommodation, under the direct provision and dispersal system, and other services for asylum seekers. It is also responsible for co-ordinating the implementation of integration policy for refugees and persons granted leave to remain in the State.

The RIA, like its predecessor the Directorate for Asylum Support Services (DASS), functions as a cross-Department/Agency multi-disciplinary service. In addition to staff of our Department, the agency has staff seconded to it from eight other Departments or agencies. 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 26,000 asylum seekers up to September 2002.

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Allied to this strategy of having the appropriate personnel working directly in the Agency, to which they bring their expertise, knowledge and contacts in their respective networks, 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 Justice and Equality sector. (See cross-Government Table, Page 14).

### Immigration and citizenship

The Department has overall responsibility for immigration and citizenship matters (including frontier controls and repatriation). These services are delivered directly by the Department 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.). It is the function of the Garda National Immigration Bureau to ensure the effective co-ordination of operational strategies in relation to immigration, asylum and citizenship, in respect of which the Gardai have a role to play including illegal immigration and trafficking. 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. (See cross-Government Table, Page 14).

### Dealing with abuse of the asylum process

There is a clear recognition that addressing the abuse of the asylum process requires an inter-Departmental and inter-agency response to the issues involved all of which have substantial financial consequences for the State in terms, for example, of the cost of providing social and other support services and of processing abusive applications. Co-operation will continue and be enhanced, where necessary, between relevant Departments and agencies (See cross-Government Table, Page 14).

### Objective 10-1

*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 the Department's immigration and citizenship practices with a view to improving service to the public.
- Monitor and review developments in relation to applications from non-nationals to remain in the State on the basis of parentage of an Irish born child and develop policy responses.

### Performance indicator

- 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 and increase the rate of repatriation of failed asylum applicants whose applications have been processed to finality in order to maintain the integrity of the asylum process.*

- 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 including through the use of accelerated procedures for the processing of such unfounded applications.



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- 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 Office 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.
- Increasing the rate of repatriation of failed asylum applicants, whose applications have been processed to finality, in order to maintain the integrity of the asylum process.
- Continue to develop and enhance a structured programme of voluntary return for asylum seekers and illegal immigrants with the assistance of the International Organisation for Migration.

### 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 voluntary return programme in conjunction with the International Organisation for Migration.

### 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.
- In conjunction with the Department of Enterprise, Trade and Employment, increase the level of integration of consular and commercial reviews in the processing arrangements for work visas.

### Performance indicator

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

### 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.*

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- 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 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

### Policy and working environment

Our priority over the next three years is to consolidate the progress made to date in the promotion of gender equality, employment equality, equal status and equal participation in society by people with disabilities. We aim to achieve this by the further development of strategies which are targeted at addressing inequalities in these areas and which are responsive to changing social and economic circumstances. The implementation of a gender mainstreaming approach will continue to be a priority as will our involvement in the development of gender mainstreaming policies at national and EU level.

Significant legislative and policy developments have taken place in the recent past which have contributed towards promoting equality in Ireland. These include the setting up of the Equality Authority and the Office of the Director of Equality Investigations (ODEI – *the Equality Tribunal*) as equality enforcement agencies and the introduction of a new legislative framework to support equality of opportunity. In the area of disability, the National Disability Authority was established in 2000 to underpin the policy of mainstreaming services for people with disabilities.

The focus for the next three years is to build on these achievements through our continued support of the Equality Authority, the ODEI – *the Equality Tribunal* and the National Disability Authority in their statutory functions and by enhancing the existing statutory framework for equality. The funding provided under the Equality for Women Measure in the National Development Plan (NDP) has ensured that a wider range of organisations are actively involved in the implementation of gender equality initiatives.

We are committed to working to promote greater respect for the person and respect for diversity, equality and cultural difference in Ireland. Ireland is undergoing a demographic change with the arrival of persons of many nationalities as workers, students and refugees. This change emphasises the necessity to combat discrimination based on race, colour, nationality or ethnic or national origin and the need for measures to combat racism.

### Main challenges and priorities

- Responding to the changing social and economic environment through the strengthening of existing policies and the development of new policies aimed at providing employees with realistic and viable options in achieving a balance between their work and home responsibilities.
- Reviewing the employment equality and equal status legislation and implementing changes where appropriate.
- Supporting the Equality Authority and the ODEI – *the Equality Tribunal* by ensuring that they are in a position to effectively carry out their equality enforcement functions.
- Exerting a positive influence on policy-making in relation to employment equality, gender equality, equal status and disability issues at EU and other international fora.
- Ensuring Government Departments take account of the Report to the United Nations on the National Plan for Women 2002 on the implementation of the Beijing Platform for Action and note the aspirations of women as articulated in the report '*Aspirations of Women collected in the course of the Consultation Process on the National Plan for Women 2002: Towards a National Women's Strategy*' when formulating and reviewing policy and legislation and when implementing programmes and measures which impact on women.
- To develop a National Women's Strategy as a cross cutting policy development in co-operation with other relevant Departments and Agencies.
- Working with relevant organisations to achieve the employment target of 57 per cent for women by 2005 as agreed at the Lisbon Summit.
- Advancing the implementation of the gender mainstreaming strategy under the National Development Plan 2000-2006 and growing an awareness of the wider equal opportunities agenda in the implementation of the Plan.



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- Consolidating the gains achieved by women in recent times.
- Drawing up and implementing a National Anti-Racism Action Plan to give a strategic direction to measures to promote tolerance and to combat racism and racial discrimination.
- Supporting the mainstreaming of the learning from the Equality for Women Measure.
- Securing the enactment of a Disability Bill to support the equal participation in society of people with disabilities.
- Supporting the National Disability Authority in the exercise of its statutory functions including the development and implementation of good standards in services for people with disabilities.
- Contributing to the advancement by Ireland of the equality agenda during the EU Presidency in 2004.
- Support the Equality Authority, ODEI – *the Equality Tribunal*, and the National Disability Authority in the performance of their statutory functions.
- Participate in the development and implementation of an EU Gender Framework Directive for the non-employment area.
- Promote and participate in the implementation of the EU Community Action Programme to Combat Discrimination 2001-2006.

### Objective 11-1

*Enhance the existing statutory foundation for equality, equal status and disability.*

- Transpose into national law the EU Directives on Race and on Equal Treatment in Employment and Occupation under Article 13 of the Amsterdam Treaty.
- Transpose into national law the EU Directive on equal treatment between men and women in relation to employment and vocational training.
- 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 existing legislation.
- Amend the Equal Status Act, 2002 clarifying the issue of access to licensed premises of children accompanied by parents or guardians.
- Amend the Maternity, Adoptive and Parental Leave legislation.
- Complete the consultations on disability legislation and prepare an amended Disability Bill for the Oireachtas.

### Performance indicators

- Amendments to Maternity and Adoptive Leave legislation – completed 2003.
- Amendments to Parental Leave legislation – completed 2003.
- Publication of legislation to implement the Race Directive, Framework Employment Directive and Gender Equal Treatment Directive by Summer 2003 with a view to its implementation at the earliest possible date.
- Completion of the statutory review of the Employment Equality Act 1998 and the Equal Status Act 2000 in the context of the anti-discrimination grounds by end 2003.
- Enactment of Disability Bill by end 2003.

### Objective 11-2

*Develop and pursue equal opportunity and equal access policies.*

- Continue to positively influence policy-making at national, EU and international levels.
- Develop and implement appropriate policy measures, including positive action initiatives at national, EU and international levels.
- Complete the implementation of the equality and disability commitments in the Programme for Prosperity and Fairness, commence work on such commitments in Sustaining Progress, the successor to this agreement, and continue to work on commitments made in the Programme for Government.

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- Promote awareness of equality issues and accommodation of diversity.
- Put in place new mechanisms for promoting and monitoring gender equality to follow up Report to the United Nations on the National Plan for Women 2002.
- Ensure progress on achieving the 40 per cent target for gender balance by bringing a six-monthly report to Cabinet on the gender composition of Boards for each Department on Boards newly appointed during that period and on Boards already in existence.
- Draw up and implement a National Anti-Racism Action Plan to give a strategic direction to measures to promote tolerance and to combat racism and racial discrimination.
- Conduct an annual review of Anti-Racism Awareness Programmes in order to identify new avenues for combating racism.
- Review campaigns designed to promote tolerance and understanding between settled and Traveller communities and maintain multi-annual funding to targeted programmes.
- Continue to implement KNOW Racism.
- Oversee the implementation of the Report to Government on actions needed to address the gender pay gap and publish research on sectoral studies on the gap.
- Deliver the Equality for Women Measure, including a second round of funding in 2004, and support the mainstreaming of the learning to the national policy context.
- Support implementing bodies to incorporate a gender perspective in the implementation of measures funded under the National Development Plan 2000 – 2006.
- Promote and participate in the implementation of the programme relating to the Community Framework Strategy on Gender Equality 2001 – 2005 under the Programme for Prosperity and Fairness.
- Contribute to the development of social and equality statistics at national level.
- Oversee the initiative under Council Decision 2001/0116 (CNN) in relation to Ireland's participation in the European Year of People with Disabilities 2003.
- Chair and provide secretariat and advice to the Monitoring Committee in relation to achievement of the three per cent target for the employment of people with disabilities in the public service.
- Establish a National Centre of Excellence in Universal Design to promote universal access.
- Support the national representative organisations for women, for people with disabilities and for anti-racism – National Women's Council of Ireland, People with Disabilities in Ireland and National Consultative Committee on Racism and Inter-culturalism.
- Develop mechanisms for the proofing of policies and services in the public sector for impact on any of the groups protected by equality legislation.
- Implement and monitor key positive action measures in respect of Travellers.

### Performance indicators

- National Anti-Racism Action Plan complete by end of 2003.
- Measures to monitor implementation of the National Anti Racism Action Plan in place by early 2004.
- The Second Report of the Implementation of the Recommendations of the Task Force on the Travelling Community to be published mid-2003.
- Following on the review of the Citizen Traveller Campaign an agreed alternative scheme will be introduced by mid 2003.
- Annual reviews of Anti-Racism Awareness Programme by December 2003.
- First six-monthly report on gender composition of boards to Cabinet by May 2003.

## Equality and Disability

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- Implementation of the recommendations on addressing the gender pay gap reviewed by 2005 and changes in the gender pay gap monitored.
- The extent to which the learning from the Equality for Women Measure transfers to policy.
- The extent to which measures funded under the National Development Plan incorporate a gender perspective.
- Lead taken in at least two projects funded under the EU Gender Equality Programme.
- Projects and events held during European Year of People with Disabilities, 2003 which raise disability awareness.
- Establishment on a statutory basis of a National Centre of Excellence in Universal Design.
- Successful participation in 2004 EU Presidency .
- Report of the Working Group on Equality Proofing completed by October 2003.
- Equality Proofing mechanisms for the public sector developed by February 2005.

### Performance indicators

- Amendments to Maternity Leave and Adoptive Leave legislation – completed 2003.
- Amendments to Parental Leave legislation – completed 2003.
- Participation in fora for the development of family friendly policies

### 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.
- Implement the commitments in the Programme for Government and the new Social Partnership Agreement in relation to the Parental Leave Act 1998.
- Support the development of family friendly working arrangements.



# Childcare

## High Level Goal **12**

*To enhance the quality of childcare provision and increase the availability of childcare places for parents and children throughout Ireland, availing of funding provided through the National Development Plan and to continue to develop and support a well-structured, proactive and caring childcare sector*



## Childcare



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### Policy and working environment

The Department is responsible for the implementation of a seven year strategy for the development of the quantity and quality of childcare places. The Government has made available significant EU and Exchequer funding of €436.7 million provided in the National Development Plan 2000-2006.

Our involvement in childcare stems from our Equality brief. Its role has grown from the implementation of a modest provision of funding in the mid 1990s (under the aegis of the Department of Equality and Law Reform) to the present multifaceted Equal Opportunities Childcare Programme. The Department was also given the lead co-ordination role in childcare provision by the Government in order to ensure a co-ordinated cross-cutting approach to the development of a childcare infrastructure in Ireland.

A number of factors have contributed to the emergence of childcare as one of our major areas of responsibility:

- The social partners identified a need to review childcare provision in the context of the Partnership 2000 negotiations leading to the establishment in 1997 of an Expert Working Group on Childcare to review the development of the childcare sector. The Expert Working Group on Childcare reported in 1999 and made a series of recommendations which underpin much of the work currently being undertaken and developed in our Childcare Directorate.
- The significant increase in female labour force participation had focused public attention on the need to develop quality childcare places and on the importance of childcare to parents' lives. In addition, recent EU Presidencies have set targets relating to female participation in the labour force and the provision of childcare to support the growth of female participation.
- From an EU perspective, the provision of childcare is regarded as an important element in the equalisation of opportunities between men and women, and in enabling women to participate fully in work, training and educational opportunities. Accordingly, Childcare Measures are included as part of the

EU-supported Regional Operational Programmes for Ireland. These Measures aim to provide diverse childcare which meets the needs of the child, to increase the numbers of trained personnel working in the sector and to improve the co-ordination and delivery of childcare.

### Objective 12-1

*Continue to develop the supply of quality childcare places in Ireland through the implementation of the Equal Opportunities Childcare Programme 2000-2006 in accordance with best practice.*

- Provide capital grant aid to private childcare providers and community based/not-for profit childcare providers operating or planning to operate services that meet the criteria of the Programme.
- Provide grants towards the staffing costs of community based/not-for profit childcare providers operating services that meet the criteria of the programme and have a clear focus on tackling disadvantage.
- Collaborate with the IDA to assist them in their strategic objective to develop childcare services in selected business parks across Ireland.
- Develop new funding initiatives in response to emerging and changing childcare needs of parents and their children, consistent with the aims of the Agreed Programme for Government.

### Performance indicators

- Volume and throughput of funding applications.
- Increase in the number of childcare places in accordance with the targets set in the Equal Opportunities Childcare Programme and the National Employment Action Plan (an increase of 30 per cent by the Mid-Term (end 2003) and by 50 per cent by Programme end.
- To support the achievement of Ireland's commitment at the Lisbon summit in relation to female participation rates (57 per cent by 2005) through the provision of increased childcare.

## Childcare

- To support the achievement of Ireland's commitment at the Barcelona Summit in relation to the provision of childcare by 2010 to at least 90 per cent of children between 3 years old and the mandatory school age and at least 33 per cent of children under 3 years of age.

**Objective 12-2**

*Continue to support quality improvement in the childcare sector.*

- Provide grant aid to support quality improvement measures in the childcare sector including funding to the National Voluntary Childcare Organisations.
- Develop a new initiative specifically targeting childminders.
- Support proactively research into the availability of childcare and best practice in childcare delivery and the development of training models.
- Support proactively the development of training models for the sector.
- Provide fora through which information on best practice can be exchanged.
- Co-operate strategically with the Departments and Agencies who have a regulatory or support role in the Childcare sector in relation to issues such as local development, planning, regulation, notification, qualification, training, enterprise supports, taxation and other incentives (see cross-Government Table, page 14).
- Further develop the broadly based National Childcare Co-ordinating Committee and its sub-groups.
- Refocus and broaden the (former) Inter-Departmental Synergies Committee to ensure that all policy issues relating to childcare are fully explored for the betterment of the services.
- Provide continuing support to the City and County Childcare Committees to enable them to implement their five year strategies which aim to develop childcare to match local needs.

**Performance indicators**

- Enhanced co-ordination and planning of childcare activity at local and at national level.
- A greater awareness among stakeholders of the key issues which impact upon the childcare sector.

**Performance indicators**

- Emergence of a better structure for childminders and childminding.
- Increase in the employment of qualified childcare personnel 2000-2006.
- Improved development opportunities for childcare personnel 2000-2006.
- Improved supports for the different strands of the childcare sector.

**Objective 12-3**

*Co-ordinate childcare policies and programmes at national and local level through continuing and developing engagement with statutory and non-statutory organisations involved in childcare.*



# 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

The Department is 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. 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.

Over recent years, the Department has 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. The Schemes have a budget of almost €29m in 2002.

### 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.

#### Performance indicators

- The continued effective operation of the Criminal Legal Aid Scheme, the Ad-Hoc Legal Aid Scheme (CAB) and the Garda Station Legal Advice Scheme.
- Implementation of the recommendations made in the final Report of the Criminal Legal Aid Review Committee during 2003.

### 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 eServices.

#### Performance indicator

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

### 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 per cent 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.





## Legal Aid

### 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.





# Part 3

## Business Support and Customer Service

# Business Support and Customer Service

## 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*

## 3.1 Policy and Working Environment

In this part of the strategy statement we set out our plans for building on good results already achieved under the Department's Modernisation Programme. The objectives of this Programme is to manage our organisation and resources as efficiently and effectively as possible so as to support the implementation of the Department's objectives and to continuously improve the quality of the services we provide. We seek to achieve this by adopting best practice across a range of change management strategies – business planning, performance management, training and development and financial and IT management, among others. The key objectives, strategies and performance indicators which follow this analysis will underpin the Department's Modernisation Programme in the period 2003-2005.

### Quality assurance of progress to date

Significant advances were recorded in the implementation of our Modernisation Programme under the terms of the Programme for Prosperity and Fairness and progress was independently verified by the Civil Service Quality Assurance Group (CSQAG) leading to the Department's qualification for the final phase payment of 4% in October 2002. The Group noted in particular the progress achieved in the implementation of the Performance Management and Development System (PMDS) and the assistance which the Department provided to its associated bodies in the Justice and Equality sector in implementing the PMDS. The Group also recognised the significant effort we have employed in the area of Policy Planning and Research and its relevance to policy analysis. The Group was of the view that this research work will greatly inform the policy formulation and business practices of the Department.

### Ongoing modernisation required

Other areas where we have made progress are in the development of the Management Information Framework and financial Service Level Agreements, in the development of the equality dimension of our customer service, in the development of our Information Society and ePublic Service strategies

and in the staff training and development area. In all of these areas, inevitably, further development is necessary. The CSQAG recommended that the Department focuses in the immediate future on the Administrative Budget Review process and the development of the Shared Service Centre which are planned to enhance our financial management capabilities. The Group highlighted the need to continue to align the IT strategy with the Department's objectives and to advance the development of the organisation's Human Resource Management vision and strategy. Developments in these areas are central to our Modernisation Programme in the 2003-2005 period and relevant objectives and strategies follow this analysis.

### New strategic management vision

Our Modernisation Programme in the period 2003-2005 is therefore influenced by our recent experience, reflected above, but also, of necessity, by the new or redefined direction of strategic management for the public service over the coming years. At the time of formulating this strategy statement, the expectations are that a new phase of the Strategic Management Initiative/Delivering Better Government will be launched across the public service and will be based on the findings of the PA Consulting evaluation of SMI/DBG conducted in all Government Departments and accepted by the Government in March 2002. The Modernisation programme set out here must necessarily be both proactive and pre-emptive, but in so far as it takes on new initiatives or new emphases, takes its 'steer' from the PA Consulting evaluation. This allows us to add value to our ongoing modernisation programme by focusing more clearly on –

- enhancing our strategic planning framework. In preparing this strategy statement, greater focus has been brought to bear on our role in cross-Government co-ordination. Furthermore, we are strengthening our monitoring and review arrangements with the involvement of the Minister to support the implementation of this Statement (see section 3-2);
- areas of "unfinished business". The strategies set out in sections 3-2, 3-3 and 3-4 are intended to apply a new impetus to the development of

## Business Support and Customer Service

Human Resource Management, financial management and information systems management;

- improving customer service through further evaluation of emerging needs and preferences, including through customer feedback (see section 3-5);
- developing the Regulatory Impact Assessment framework in the Department to address the challenges of regulatory management (see section 3-5).

### Modernisation and the new Partnership Agreement

The most immediate influence on our Modernisation Programme quite clearly will be the requirements arising under the new Social Partnership Agreement, 2003-2005. Payment of the bulk of benchmarking pay increases and all of the increases under the National pay agreement will be linked to a rigorous and independent verification of our progress on delivering modernisation initiatives over most of the period of this Strategy Statement. Indeed the recommendations of the Benchmarking Body are set out within an explicit context for ensuring ongoing modernisation in the public service so as to achieve greater efficiency and effectiveness and this theme also goes right to the heart of the National pay agreement.

Our organisation fully accepts the Benchmarking Body's proposition, now embodied in the National pay agreement that flexibility and willingness to adapt to change are hallmarks of successful organisations. It is clear that the pillars of this process will be change, modernisation, flexibility and adaptability.

Our modernisation objectives and strategies will be underpinned by key elements of the new Social Partnership Agreement including the further implementation of modern management practices under the Public Service Management Act 1997 and more effective recruitment and appointment processes.

### Government Guidelines

The Guidelines for the Preparation of Strategy Statements approved by the Government in September 2002 point to specific elements of the modernisation process including Gender Equality and Diversity Policies for the Civil Service and "New Connections" – the Government strategy to realise the potential for the Information Society and these are reflected in sections 3-2 and 3-4.

### Modernisation across the sector

The Department worked closely with our associated bodies in the Justice and Equality sector on the roll-out of the Modernisation Programme under the Programme for Prosperity and Fairness. Again, independently quality assured, the sector made good progress and all of the bodies qualified for the third phase 4% payment. This was a most creditable performance given the general pattern of increasing demands on services across the sector, the new or transitional status of many of the bodies and the impact in some areas of resource constraints. This important linkage with the sectoral bodies must be maintained and strengthened as we face into the challenges of the new Social Partnership agreement.

Across the sector, there is an increasingly clear focus on the customer through the provision of greater access to services, including, in particular use of modern technology. The key theme for sectoral change over the coming years will be in developing areas of resource management – human resources, IT and financial.

### Summary

Our Modernisation Programme reflects the key influences and ongoing developments in our working environment, as identified in the above analysis. We fully recognise the need for improvement in the quality of public services and the following objectives and strategies underpin our commitment to change and flexibility in the coming period. This is an ambitious programme of modernisation and its implementation faces significant challenges and constraints. We must record that progress up to now has been affected to some degree by resource constraints and the outlook is that further progress will inevitably be similarly constrained. Yet significant progress has been made and we are confident will continue to be made.



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## 3.2 Modernisation – further development of planning, performance and our people

### Objective 14-1

#### The Modernisation programme

*Advance a range of modernisation initiatives to enable us to continuously improve the way we manage our organisation and resources.*

- Strengthen our management process to co-ordinate and oversee the implementation of our modernisation programme.
- Co-operate fully with and support any quality assurance arrangements that may be established to verify progress.
- Engage fully with our partnership committee in the development of performance indicators and reporting on progress on the modernisation programme.
- Work closely with the sectoral bodies in continuing to roll out and, as appropriate, adapt the modernisation programme across the sector.

#### Performance indicators

- Qualification by the Department for payment under the terms of the new Social Partnership Agreement in return for delivering modernisation.

### Objective 14-2

#### Planning and performance

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

- Underpin the implementation of this Strategy Statement in 2003 and subsequent years through a robust business planning process

supported by individual performance plans under the Performance Management and Development System (PMDS) at all levels.

- Strengthen our arrangements for reviewing progress on the implementation of our strategies in particular through the involvement of the Minister and the Management Advisory Committee in formal twice-yearly reviews of progress.
- Improve our reporting on the implementation of this Strategy Statement by incorporating this as part of our Annual Report from 2003 onwards.
- Strengthen our arrangements for corporate governance by working with our associated bodies to ensure greater coherence in strategic planning and implementation of Government commitments across the Justice and Equality sector.

#### Performance indicators

- All Business Plans completed by 31 January in each year 2003-2005.
- Business plans to be reviewed twice yearly.
- Annual Report to be published by 30 June in each year.
- Government commitments reflected in sectoral strategy statements and business plans.

### Objective 14-3

#### Human Resource Management

*Ensure that the Strategy Statement on Human Resource Management (HRM) is completed, and that the supporting computerised HRM database is fully implemented.*

- Support in a proactive way the Focus Group that is currently developing a HRM Strategy policy for the Department.
- Maintain the consultative process with staff and management to ensure the HRM policy approach is fully in line with strategic and business processes generally. In this regard, an integrated HRM Strategy involving best



## Business Support and Customer Service

practice in recruitment, promotion, training and development, equality of opportunity and industrial relations will be developed.

- Engage with relevant consultants in the IT area with a view to developing a computerised HRM database.

### Performance indicators

- Publication of an integrated HRM Strategy Statement in 2003.
- Computerised HRM database in place.

### Objective 14-4

#### Equality of Opportunities

*Develop a policy on Equality of Opportunities having regard to the Employment Equality Act, 1998 and as provided for in the Programme for Prosperity and Fairness.*

- Build upon progress to date, through an existing Working Group established under the Partnership process, to –
  - increase the number of female Principal Officers and Assistant Principal Officers,
  - provide more focused training for female Higher Executive Officers and Administrative Officers, and
  - maintain the 3% target for the employment of people with disabilities.

### Performance indicator

- Equality of Opportunities policy statement in place.

### Objective 14-5

#### Training and Development

*Provide a targeted training and development programme for all staff which is linked to our strategy statement and business planning process.*

- Maintain progress to date with regard to meeting the demand for training and development arising under the PMDS.

- Consider the feasibility of a training needs analysis in 2003 in light of experience with the current training programme which was significantly expanded in recent years.
- Continue to increase spending on training and development, on a phased basis, to meet the Government's guidelines of 4% of payroll.

### Performance indicator

- A comprehensive training and development programme in place.

### Objective 14-6

#### Partnership

*Further embed the Partnership process through its various committees and working groups.*

- Encourage greater involvement of staff and management in Partnership through a targeted marketing 'blitz'.
- Highlight the role of Partnership in taking forward the Modernisation Programme as set out in the Programme for Prosperity and Fairness.
- Establish additional working groups, particularly at local level, to make Partnership more relevant and visible as a mechanism for reform.

### Performance indicator

- A greater awareness of and involvement by staff and management in the Partnership process throughout the Department, with the Partnership process playing a crucial role in the context of the Modernisation Programme.

### Objective 14-7

#### Family friendly initiatives

*Continue to support the full range of family friendly initiatives as far as possible in order to help staff to reconcile work and family life.*

- Highlight the benefits that various family friendly initiatives can have in meeting strategic and business objectives through the Sector Steering Group and the Department's Principal Officers Management Team.

## Business Support and Customer Service

- Aim to fill all vacancies as soon as possible arising from staff availing of family friendly initiatives.
- Support line management in facilitating family friendly initiatives by realigning existing work arrangements, subject to operational requirements.

### Performance indicator

- Family friendly work arrangements regarded as an integral part of overall job design.

## 3.3. Financial Management

### Objective 14-8

*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 our 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 and to devolve authority and accountability within Departments. The achievement of these aims will be facilitated by access to better financial information in line with 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 the overriding objective, set out above, and the following two key related objectives with supporting strategies.

### Objective 14-8A

*Establish the structures and processes to facilitate the development of an effective financial management framework for the Department of Justice, Equality and Law Reform.*

- Create a Finance Directorate headed at senior management level in the Department.
- Design and operate a system of budgetary control and devolved responsibility.
- Devise financial performance indicators as required under the Government's *Management Information Framework*.
- In conjunction with Line Management conduct regular Expenditure Programme Reviews to analyse value for money and effectiveness of service delivery by the Department and sectoral bodies.
- Identify expenditure priorities in relation to the Department of Justice, Equality and Law Reform (Vote 19).

### Objective 14-8B

*Develop the Department's Finance Division as a Shared Services Centre to implement and maintain efficient and effective 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*.*

- Provide a Payroll and Pension service in an accurate and timely manner.
- Provide an accounts payable service for the Department and its Agencies.
- Maintain records to underpin the integrity of Departmental/Agency accounts and provide financial reports.
- Support and develop modern financial management, payroll and other IT support systems.
- Co-ordinate financial allocations for the Justice Group of Votes with the Department of Finance.



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- Provide the necessary development and support for staff in order to maintain the essential skills to support the efficient operation of the Shared Services Centre.
- Negotiate, operate and regularly review Service Level Agreements to ensure the provision of a quality financial service.

### Objective 14-8C

*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:

- Prompt processing of all transactions in compliance with relevant regulations and financial controls.
- Quality and timely financial information for managers. To facilitate this process, new financial management systems will be implemented over the period 2003-2005.
- An agreed level of Customer Service.

strategies are being developed for the Probation and Welfare and Asylum/Immigration areas. As new agencies have come on stream over the last number of years they have built IT into their requirements from the outset, for example, agencies in the Equality area.

Administrative support systems such as Financial, HR and document management are under delivery. Most of the sectoral bodies are now linked by a secure Private Network. The current challenge is to leverage all these developments in support of the eGovernment initiative which is a key part of the modernisation of the public service generally. In the context of the Criminal Justice systems and the asylum and immigration systems, this is best done by using the full capacity of the newly developed systems to exchange data, streamline processes and to provide accurate, timely statistical information in support of policy formulation.

We have a strong base on which to develop ePublic Services by comparison with most countries. A central element of the investment in systems so far has been the recognition of the need 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. In parallel with this, the Department's website is being renewed and the new site will include all forms, procurements and legislation produced by the Department. The site will also 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 of the general public.

We are supporting the modernisation programme by the implementation of the Financial Management system and a new Human Resource Management system to improve the capacity of our managers to focus on resource allocation and development. Upgrades of existing Process Recording and PMDS systems are also underway. The implementation of these systems affords us an opportunity both to review our processes and support devolution of functions to line management.

The Department itself delivers a limited number of services directly to the public. In IT terms, its role is to

## 3.4 IT and eGovernment

### IT and eGovernment developments

The Department has, for the last number of years, invested extensively in new technology in the organisations in the Justice and Equality sector. There are now strategic operational systems in the Garda Síochána, Courts and Prison Services and

## Business Support and Customer Service

provide the underlying secure network and to provide a focal point for moves to integrate and co-ordinate the electronic delivery of services. As part of the modernisation programme, the Department has a role in ensuring that agencies have an appropriate approach to the implementation of eStrategy and that these approaches are coherent across the sector.

We are also developing and deploying a set of document management and collaboration tools to promote:

- electronic management and tracking of documents and correspondence from arrival to archive,
- working across the Justice Sector to support the new organisational structures being put in place,
- working with other Government Departments, agencies and external bodies,
- significant improvements in flexible working arrangements for staff, and
- support for the forthcoming Presidency.

### Table of strategic developments:

System	Departmental/ Sectoral	Description	Scheduled delivery
Financial	Sector, Shared Service	Implement new financial model	2003
HR system	Sector, Shared Service	Support HR developments	2003
Asylum processing	Sectoral	Integrate and streamline process and provide online information at all stages	2004
Portal	Departmental/Sectoral	Collaboration tools to allow staff work securely from any web location and to work securely with staff of other agencies and Departments	2003
Centrally delivered systems: eCabinet, eLegislation, eEstimates, new PQ system etc.	Primarily for the Department	A set of web services to be delivered from central Government and deployed in Departments	2003
Document and Correspondence management	Primarily for the Department		2003

### Legislative and administrative support for New Connections

Apart from Information Systems, the Department plays a legislative role in support of the ePublic service initiative as set out in the New Connections document by transposing directives on matters such as hearsay and cybercrime. It takes the lead role for Government in acting on illegal and harmful use of the Internet.

It must also be stressed that the period of the strategy covers a significant number of building moves to allow for a Headquarters refurbishment and support for the EU Presidency. These issues will pose major challenges for our IT staff and infrastructure which will have an impact on the delivery of normal service levels and on the delivery of the challenging agenda set out here.



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### Objective 14-9A

*Support eGovernment initiatives (as set out in New Connections, eEurope 2002 and eEurope 2005 ) by leveraging recently deployed technology within the sector and by relevant legislative activity and also support initiatives such as Customer Service, PMDS, Freedom of Information, Financial and HR strategies and the improved operational efficiency of the Department and its agencies.*

- Make services that are capable of electronic delivery available online through a single point of contact, by 2005, whether delivered by the Department or by one of its agencies.
- Deliver Information systems needed to support Performance Management, Financial and HR programmes.
- Improve support for operational activities of the Department and the agencies of the sector, in particular the capacity to work across the sector and across Government. Improve integration between business areas of the Department and between its associated organisations as a necessary precursor to full electronic delivery of services.
- Build an examination of processes and interagency transaction into all systems identified for delivery with a strong emphasis on integration and eGovernment requirements.
- Facilitate the preparation of an eServices Catalogue for the Department and its associated offices.
- Complete the redevelopment of the Department's website, incorporating key REACH and BASIS project considerations.
- Prioritise the development of systems which have a cross-Department or cross-agency dimension.
- Provide baseline infrastructure and systems for all agencies with agreed levels of service in terms of availability, capacity etc.
- Provide an expanded capacity for the asylum process.

- Continue the existing levels of maintenance and support for new systems.
- Expand levels of training for staff at all levels in new and existing systems.
- Obtain agreement on what common identifier is to be used for the exchange of information between agencies, specifically looking at the use of the Public Service Number.
- Work through the implications of the commitment in eEurope 2005 for member states to support activities of the Cyber Security Task Force.
- Devise and operate policy to promote co-operation between the Department's IT Function and IT Functions in the criminal justice and asylum areas and between those agencies and other state agencies.
- Continue to develop and train staff and customers in awareness of what is available and possible.
- Examine establishment of secure communications environment for exchange of classified government information under eEurope 2005.

#### Performance indicators

- Successful implementation of new Financial system.
- Successful implementation of new HRM system.
- Legislation approved to support the use of the Public Service Number for the Criminal Justice and Asylum/Immigration systems.
- Successful delivery of the Department's input to the penalty points & Fines on the Spot systems.
- Complete process of connection of all agencies of the sector to a common Private network.
- Agreed maintenance/support arrangements in place for agencies.
- Deployment and widespread use of web services developed from central Government or from EU, for example, eCabinet, eEstimates, eLegislation.



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- Identification of services for delivery by the Public Service Broker and delivery thereof.
- Agreement on Asylum IT Strategy recommendations with resulting strategic system procured and implemented.
- eServices Catalogue for the Department and its associated offices completed.
- Relunched Departmental website, incorporating REACH & BASIS initiatives.
- eWork – development of a teleworking policy for mainstream public service employment.
- Deployment of secure mail service between agencies within the sector and between the sector and external agencies (for example, deployment of EURODAC system on the TESTA network).

### Objective 14-9B

*Contribute to strengthen policy making and research capacity in the Department and agencies.*

- Commence Criminal History Repository project in conjunction with the work of the expert group on criminal justice statistics and use common underlying structures for new systems being provided to facilitate research and analysis.
- Provide training in, and access by staff to, up-to-date electronic research.
- Deploy web based collaborative tools to support working across Divisions and across Departments.

#### Performance indicators

Delivery of qualitative and quantitative statistics from systems such as PULSE, CCTS, PRIS and the proposed new Asylum Strategic system which are coherent across the sector.

- Staff comfortable in use of all appropriate systems and tools.

## 3.5 Serving the Public

The Department is committed to delivering top quality services to all of our stakeholders including the users of our services, both external and internal. In this part of the statement we focus on key areas of interaction – customer service standards, regulatory reform, communications and freedom of information.

### 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 the sectoral bodies, would undoubtedly prefer that the need for such contact had not arisen in the first place as the contact often means that the person concerned is in some sort of difficulty. This means that not only does the Department have a very large customer base, but has to deal with those customers in what are often quite stressful circumstances for them.

We will increasingly place the 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 Action Plan 2001-2004.



## Business Support and Customer Service

### Objective 14-10

*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 Action Plan 2001-2004 sets out a policy that will operate through consultation with customers to support the implementation of the strategies contained in the Statement and our Business Plans.

- 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 continue to meet on a regular basis, to provide a means for client groups to play an active role in the provision of feedback to the Department on the delivery of our 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 indicator

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

### Regulatory reform

There is a new impetus at Government level to commit the public service to reviewing the efficiency and effectiveness of the approach to lawmaking and regulation and in particular how it impacts on the economy and the public in general. Our wide-ranging responsibilities mean we account for a significant proportion of law and regulation at national level and in the context of our EU and other international obligations.

### Objective 14-11

Contribute to meeting Government objectives in relation to developing policy on regulatory reform

- Contribute to and implement developing Government policy on regulatory reform.
- Develop our procedures for consultation with the public on the formulation of regulation and on its clarity, efficiency, effectiveness, enforcement and review.
- Address any consequences that might emerge from this process in so far as it affects legal and judicial matters in our areas of responsibility.

### Communications

We consider that good communications play an important role in contributing to achievement by our organisation of our goals and objectives. Our communications strategy is based on the premise that there are different audiences – internal and external – who have different requirements.

On the internal level we acknowledge that our staff must be fully aware of the goals and objectives of the Department. Each member of staff must know how his or her role in the organisation contributes

## Business Support and Customer Service

to the achievement of these goals and objectives. One of the ways this is achieved is through the implementation of our Performance Management and Development System.

On the external level, part of our responsibilities is to communicate the Department's strategic message, as outlined in this Strategy Statement, to the external audience. This involves managing all media-related queries, overseeing the implementation of a media plan and operating on the presumption that good communications do not simply happen, but are planned.

### Objective 14-12

*Develop a culture of excellent communications internally, and externally, particularly in our dealings with the media.*

#### Freedom of Information

The Freedom of Information Act came into effect on 21 April, 1998. The Act is based upon the principle of the "right to know". At a broader level freedom of information (FOI) opens up the public service to scrutiny. It enables those outside the system, including journalists, academics, community groups and members of the public to secure information previously unavailable or hidden. It enables such interests to gain a better understanding about how public bodies work. FOI is serving to:

- uphold and strengthen individual citizens rights in their dealings with the State,
- deepen democracy by providing access to information on decision making and administrative processes in public bodies, and
- provide an incentive and support to public service reform.

The Department has received over 2,800 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 FOI Unit, attached to the Press and Communications Unit, exists to put in place the practical measures to enable the Department to comply with all aspects of FOI legislation. FOI, by its nature, is client driven

and given the high number of requests received by the Department it is clear that FOI has a considerable impact on corporate governance within this Department and will continue to do so.

### Objective 14-13

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

- Ensure that decisions on FOI requests reached by the Department are of the highest quality. We will do this by appointing deciding officers (not below the rank of Assistant Principal) and internal review officers (not below the rank of Principal Officer). We will also provide the necessary training to assist decision makers and appeals officers in the performance of FOI duties. We will provide them with up to date material such as Information Commissioner decisions, High Court rulings, internal Handbooks and FOI checklists to assist them in the processing and handling of FOI requests.
- Develop best FOI practices, in particular through our involvement with the FOI Interdepartmental Group chaired by the Central Policy Unit of the Department Of Finance (the Central Policy Unit has overall responsibility for implementing the Freedom of Information Act 1997, across the wider public service).
- Continue developing 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).
- Publish and revise our Section 15 and 16 Reference Books which sets out, among other things, information concerning the rules, practices and functions of the Department and classes of records held by the Department.
- Liaise with the Office of the Information Commissioner.



## Business Support and Customer Service

### Performance indicators

- Timeliness and quality of FOI responses.
- Publication of Section 15 and Section 16 Reference Books.

## 3.6 Policy Planning and Research

### Objective 14-14

*Further enhance our policy analysis capability through the procurement of objective, quality research.*

- Continue to commission research in areas relevant to the Justice and Equality areas.
- Continue to ensure value for money is obtained in the funding of research projects.
- Regularly review the effectiveness and relevance of research funded by the Department.



# Part 4

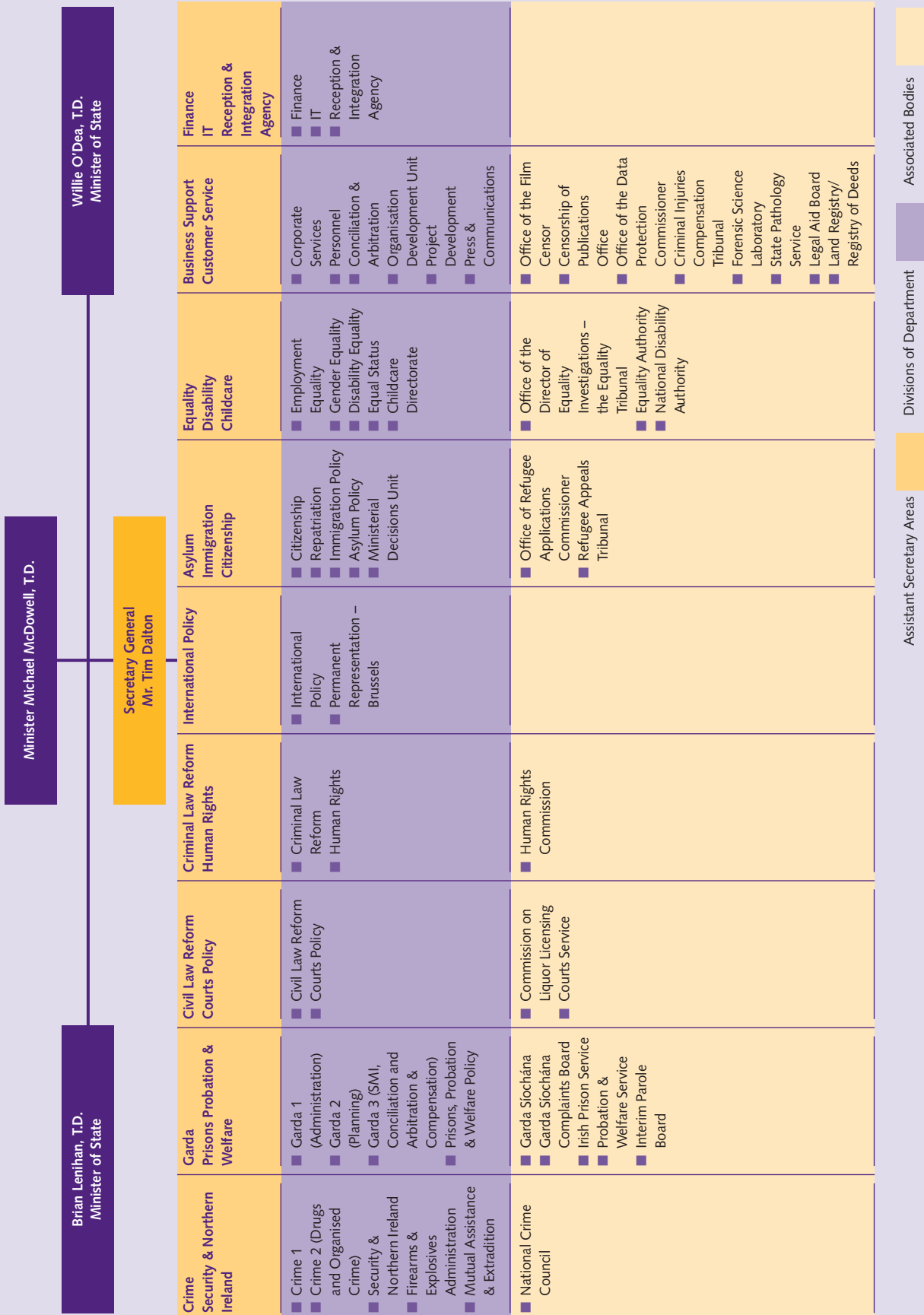
## Appendices





Appendix 1

# Organisation Chart



## Department of Justice & Equality Sector Staffing and Financial Allocations

	Staffing 31/12/02	Financial Allocation 2003 €(000's)†
Head Office	521	150,571
Shared Services Centre	151	11,769
National Crime Council	4	465
Garda Síochána (1163 Civilian Staff)	13,058	963,784
Garda Síochána Complaints Board	19	1,430
Irish Prison Service	3,436	296,654
Probation and Welfare Service	316	40,614
Interim Parole Board	3	400
Commission on Liquor Licensing	3	Included in Justice Vote
Courts Service	1,026	72,581
Human Rights Commission	2	1,816
Office of the Refugee Applications Commissioner	281	Total Allocation
Refugee Appeals Tribunal	128	Asylum Seekers
Reception & Integration Agency	57	121,195*
ODEI – the equality tribunal	28	1,823
Equality Authority	47	5,160
National Disability Authority	37	4,766
Office of the Film Censor	9	Included in Justice Vote
Censorship of Publications Office	1	Included in Justice Vote
Office of the Data Protection Commissioner	16	869
Criminal Injuries Compensation Tribunal	4	3,433
Forensic Science Laboratory	51	3,870
State Pathology Service	4	409
Legal Aid Board	412	17,539
Land Registry/Registry of Deeds	663	32,150
<b>Totals</b>	<b>20,277</b>	<b>1,731,298</b>

† The figures quoted for 2003 are as per revised book of estimates 2003

\* Funding for Asylum Seekers includes Asylum Seekers Task Force, Legal Aid, European Refugee Fund and Asylum Seekers Accommodation.

Appendix 3



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## Financial Allocations 2003-2005 – Justice Group

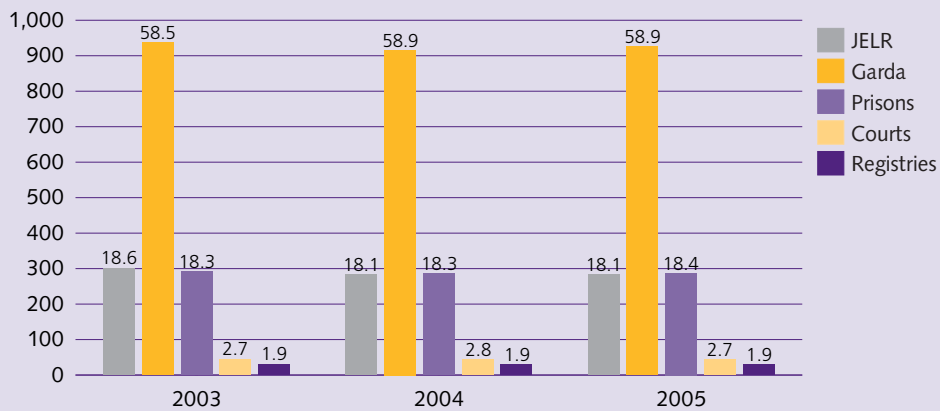
### Justice Group Total Net Allocation

€millions



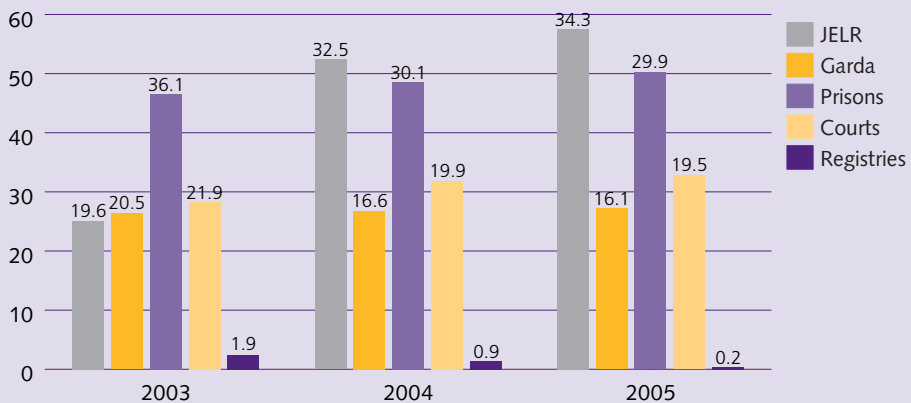
### Justice Group Non-Capital Allocation

€millions



### Justice Group Capital Allocation

€millions



# Agreed Programme for Government

## Government commitment

## Strategy Reference\*

### Building peace and justice

We will work to consolidate the success of the North-South Ministerial Council, and of the Implementation Bodies. We will also co-operate with the British Government in the British-Irish Intergovernmental Conference and bilaterally, on non-devolved matters.

(See cross-Government Table, page 14).

HLG 9

Within the framework of the British-Irish Council, we will seek to develop strong bilateral relations with Scotland and Wales, as well as with the UK as a whole.

HLG 9

We will support the principle of full public enquiries into the murders of Pat Finucane, Robert Hamill and Rosemary Nelson, and use our good offices to advance the establishment of the truth.

HLG 9

We will also fully support the work of Judge Peter Cory who has been appointed by the Irish and British Governments to investigate these and other cases.

HLG 9

We will act upon the recommendations of the Barron Enquiry into the Dublin and Monaghan bombings and continue to work to ensure that all persons and agencies, both here and abroad, co-operate fully with the enquiry.

HLG 9

In so far as it lies within our power, we will strive to create and maintain a secure environment for political progress and bring about, both through the application of law and by persuasion, a complete and lasting cessation of all paramilitary activity in Northern Ireland and throughout these islands, including punishment beatings and shootings, and the transformation of movements linked to paramilitary organisations into exclusively democratic organisations and completion of the process of putting arms beyond use.

HLG 2

We will encourage maximum co-operation between police forces North and South.

Obj. 3-8  
Garda Síochána

### Crime

We will complete the current expansion of the Garda Síochána and increase recruitment so that the numbers will increase by a further 2000.

HLG 3

We will examine the potential of the Community Warden Service to enforce existing and new functions so ensuring that more trained police officers are released to operational duties tackling crime and defending our citizens.

HLG 1

We will extend the use of CCTV cameras and also grant aid local communities to provide them.

Obj. 3-1

We will review the management structure of the Garda Síochána.  
We will establish an independent Garda Inspectorate, which will have the power to investigate complaints, and will have the powers of an ombudsman.

Obj. 3-2  
Obj. 3-5

We will deploy the full weight of the State, including the post-Omagh legislation, against any organisation that seeks to continue the violence of the last 30 years.

HLG 2

\* High Level Goal (HLG); Objective (Obj.)



## Appendix 4

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Crime	Strategy Reference
We will target the assets of all persons involved in drug dealing and, in particular, middle-ranking criminals. (See cross-Government Table, page 14).	Obj. 1-3
We will continue to target drug dealers at local level by making additional resources available to existing drugs units and for the establishment of similar units in areas of need.	HLG 1 Garda Síochána
We will establish a co-ordinating framework for drugs policy in each Garda District, to liaise with the community on drug-related matters and act as a source of information for parents and members of the public.	Garda Síochána
We will ensure that each Garda District and Sub-District be required to produce a Drug Policing Plan to include multi-agency participation in targeting drug dealers.	Garda Síochána
We will introduce a Proceeds of Corruption Act modeled on the Proceeds of Crime legislation, to further target white collar crime and corruption in public and private sectors. (See cross-Government Table, page 14).	Obj. 6-1
We will complete our programme of modernising prisons and providing extra places, so as to avoid overcrowding and the reopening of the revolving door.	Obj. 5-1 Prison Service
We will make full use of the probation service where appropriate as an alternative to custody.	Obj. 5-1 Probation and Welfare Service
We will tackle the high level of illiteracy and lack of educational accomplishment prevalent in many prisoners by supporting enhanced educational programmes within prisons.	Obj. 5-3 Prison Service
We will provide skills training courses to enhance employment prospects for prisoners on release.	Obj. 5-2 Prison Service
We will provide for compulsory drugs testing of prisoners where appropriate.	Objective 5-2 Prisons Service
We will require convicted drug dealers to register with the Gardaí after leaving prison.	Obj. 6-1 Garda Síochána
We will enforce the measures in the licensing laws that ensure mandatory temporary closures of licensed premises – pubs, clubs and off-licenses – where there have been convictions for allowing underage drinking.	Obj. 1-7
We will enact the Criminal Justice (Public Order Enforcement) Bill, 2002 as a priority.	Obj. 6-1
We will guarantee funding of Victim Support as a cornerstone of Government policy in victim care and review existing funding levels in the light of proposed reviews.	HLG 1
We will ensure that any changes to Criminal Injuries Compensation Scheme will involve consultation with Victim Support and we will examine the feasibility of recompensing crime victims for injuries and non-insured loss. An agency will be designated to recover fines for this purpose.	HLG 1
As part of a general reform of the courts system, the existing criminal jurisdiction of the Circuit Criminal Court and the Central Criminal Court will be merged in one nation-wide indictable crimes court of which all Circuit Court judges and High Court judges will be members.	Obj. 4-3 Obj. 6-1 Courts Service



## Appendix 4

**Crime**

We will extend the power to the DPP to appeal against lenient sentences in serious cases before the District Court.

Obj. 6-1

We will ensure all substantive criminal law will be codified into a single Crimes Act, dealing with homicide, violence, property offences, dishonesty, corruption, public order, arrest, criminal procedure and court jurisdiction, uniform sentencing procedure and policies, defences such as insanity and incapacity.

Obj. 6-1

We will publish this criminal code and ensure it is kept up to date by means of the Statute Law Restatement legislation now before the Oireachtas.

Obj. 6-1

We will introduce night courts and weekend courts in areas of greatest need.

Obj. 4-3  
Courts Service

We will ensure annual funding for awareness programmes to tackle domestic violence and ensure that housing and shelter programmes fully address the needs of those who have experienced domestic violence. (See cross-Government Table, page 14).

HLG 1

**Children and Childcare**

We will strengthen the parental leave scheme in line with the recommendations of the social partners. (See cross-Government Table, page 14).

Obj. 11-1

We will ensure that every county implements a Childcare Strategy by the end of 2002, providing the planning and funding basis to significantly increase childcare provision.

Obj. 12-1  
Obj. 12-3

We will seek to significantly expand the number of new childcare places supported by state funding.

Obj. 12-1

We will significantly increase capital grants for community and private childcare facilities.

Obj. 12-1

We will seek to streamline the application process for childcare capital grants and increase the grant limits for all providers, subject to overall compliance with EU State Aids rules (See cross-Government Table, page 14).

Obj. 12-1

We will ensure that there is a network of supports in place for child minders. (See cross-Government Table, page 14).

Obj. 12-2

We will keep under review and seek to streamline regulations concerning the establishment and running of crèches and childcare facilities, including planning requirements, consistent with health and safety requirements (See cross-Government Table, page 14).

Obj. 12-2

We will expand support for the provision of out-of- hours childcare programmes based in schools (See cross-Government Table, page 14).

Obj. 12-1

**Strategy Reference**

## Appendix 4

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<b>Disability and Caring</b>	<b>Strategy Reference</b>
We will complete consultations on the Disabilities Bill and will bring the amended Bill through the Oireachtas and include provisions for rights of assessment, appeals, provision and enforcement.	Obj. 11-2
We will establish a National Centre for Universal Design to serve as a leader in promoting universal access.	Obj. 11.2
We will legislate for the achievement of the employment quota for people with disabilities in the civil and public service.	Obj. 11-2
<b>Supporting Diversity and Tolerance</b>	
We will undertake an annual review of the Anti-Racism campaign in order to identify new avenues to combat racism.	Obj. 11-2
We will complete a review of the laws on incitement to hatred and ensure that people who incite racial hatred have no place in Irish society.	Obj. 6-1
We will review campaigns designed to promote tolerance and understanding between the settled and travelling communities and maintain multi-annual funding for targeted programmes. (See cross-Government Table, page 14).	Obj. 11-2
<b>Asylum and Immigration</b>	
We will seek to increase the rate of repatriation of failed asylum applicants, whose applications have been processed to finality, in order to maintain the integrity of asylum policy.	Obj. 10-2
We will ensure that the Reception & Integration Agency works effectively to fulfil its mandate. (See cross-Government Table, page 14).	Obj. 10-6
We will ensure that new asylum applicants are dealt with within six months and that other applications which are currently outstanding can be dealt with quickly.	Obj. 10-2
We will keep under review the number of applications from non-nationals to remain in the State on the basis of parentage of an Irish-born child and initiate all-party discussions on the issue of such constitutional or other measures which might be required.	Obj. 10-1
We will work with the International Office of Migration to devise a voluntary repatriation programme for illegal immigrants.	Obj. 10-2
We will prepare a new Immigration and Residence Bill which will consolidate legislation in the area and provide for future developments (See cross-Government Table, page 14).	Obj. 10-1
We will review processing arrangements for work visas, including greater integration of consular and commercial review to ensure both speedy processing and reasonable safeguards.	Obj. 10-3

## Appendix 4

**Equality & Law Reform**

We will publish regular reviews of the operation of equality legislation and ensure that the enforcement authorities are in a position to effectively carry out their duties.

Obj. 11-1

We will ensure that a minimum of 40% of state board nominations are from each gender. (See cross-Government Table, page 14).

Obj. 11-2

We will seek to introduce a scheme of mandatory mediation for the purpose of improving the early settlement of claims and controlling legal and other costs. We include within this sanctions for unreasonable conduct by either side. (See cross-Government Table, page 14).

Obj. 6-1

We will introduce measures to punish the presentation and making of false and exaggerated claims in personal injury cases. As part of this, we will create a power for the courts to deduct from damages costs relating to exaggerated claims.

Obj. 6-1

*From Insurance and Road Safety section of Programme*

We will require certain forms of action to be supported by sworn affidavits so as to create a liability in perjury for fraudulent claims. (See cross-Government Table, page 14).

We will, in the context of a statutory Press Council and improved privacy laws, move to implement reforms of libel laws designed to bring them into line with those of other states.

Obj. 6-1

New laws will be introduced to speed up civil litigation.

Obj. 6-1

*From Insurance and Road Safety section of Programme*

The cost of insurance claims will be reduced by a series of actions we will take to reform civil law procedures. (See cross-Government Table, page 14).

We will change the in camera rule in family law cases to allow for general reporting of a overall trends while continuing to respect the privacy of all those involved.

Obj. 6-1

We will reorganise the High Court into specialist divisions.

Obj. 4-3  
Obj. 6-1  
Courts Service

We will legislate to provide effective remedies for complaints about judicial misbehaviour, including lay participation in the investigation of complaints.

Obj. 4-3  
Obj. 6-1  
Courts Service**Tackling Drug Abuse**

We will continue to prioritise heroin and cocaine for intervention and will publish separate national targets for supply reduction for each major type of drug.

Obj 1-2

We will ensure regional drugs task forces operate efficiently to ensure that prevention programmes are active in all areas of the country.

Obj 1-2

We will ensure an early warning system involving all key agencies, is in place to track the potential spread of heroin into new areas.

Obj 1-2

We will publish national targets for supply reduction for major types of drug. (See cross-Government Table, page 14).

HLG 1



## Appendix 4



<b>Tackling Drug Abuse</b>	<b>Strategy Reference*</b>
Additional Gardai will be concentrated in the areas experiencing the greatest drugs problems and the activities of middle-ranking dealers will be targeted.	HLG 1 Garda Síochána
By end-2002 we will publish a plan to completely end all heroin use in Irish prisons. This will include the availability of treatment and rehabilitation for all who need them and the introduction of compulsory drug testing for prisoners where necessary.	Obj. 5-2 Prison Service
Where a person has been found to be involved in the supply of drugs to a prisoner we will introduce a new stiffer penalty.	Obj 6-1
<b>Regenerating Disadvantaged Communities</b>	
Each relevant Government Department will allocate specific staff whose principal duty will be to ensure that the Department is effectively engaged with the RAPID communities along the lines of the final report of the Integrated Services Process. (See cross-Government Table, page 14).	Obj. 1-6
Each Department will publish as part of its annual report a statement of the work undertaken to support Integrated Services work in these areas.	Obj. 1-6
<b>Insurance, Road Safety and Traffic Corps</b>	
We will implement urgently the recommendations of the Motor Insurance Advisory Board.	Obj 6-1
The high cost of business insurance is undermining enterprise and job creation. We will take actions to limit the cost of public liability insurance on businesses. The civil law reform measures we will take will be central.	Obj 6.1 and 4.3
In particular, ■ We will establish a set of guidelines on damages for personal injuries. (See cross-Government Table, page 14).	
A renewed three-year Road Safety strategy will be introduced to target speeding, drink driving, seat belt wearing and pedestrian safety in order to significantly reduce road deaths and injuries. (See cross-Government Table, page 14).	Obj. 1-10
Work on the penalty points system will be completed to ensure its implementation at an early date. (See cross-Government Table, page 14).	Obj. 1-10
We will ban 'no-foal no-fee' advertising by solicitors.	Obj. 6-1
A dedicated Traffic Corps with its own staff and ring-fenced budget will be established following a six-month consultation process. (See cross-Government Table, page 14).	Obj. 1-10
<b>Other</b>	
We will vigorously pursue a programme of regulatory reform with particular emphasis on removing unwarranted constraints on competition in all sectors of the economy and placing the consumer at the top of the policy agenda.	HLG 6
We will implement a full package of reforms in rented accommodation sector, arising from the report of the Commission on the Private Rented Sector.	HLG 6
We will run a proactive and efficient EU Presidency in 2004.	HLG 8