



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY

# **DEPARTMENT OF JUSTICE AND EQUALITY ANNUAL REPORT 2012**

***Working for a Safer, Fairer Ireland***

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# OUR MISSION STATEMENT

*TO MAINTAIN COMMUNITY AND  
NATIONAL SECURITY, PROMOTE  
JUSTICE AND EQUITY, AND  
SAFEGUARD HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS  
CONSISTENT WITH THE COMMON  
GOOD*





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## **FOREWORD BY THE MINISTER**

This Report outlines the progress made in 2012 across the full range of the Department's responsibilities.

As Minister, I am honoured to lead the Department in this work at this most challenging period in our history. In the last year, we have made good progress in implementing the 55 commitments in the Programme for Government which are allocated to this Department. We will now continue and intensify this work to ensure that the Irish people have a modern Justice and Equality system that serves the needs of our society in the second decade of the century.

I want to thank all the staff of the Department for their support in our collective efforts.

Alan Shatter, TD  
Minister for Justice and Equality

July 2013

## **INTRODUCTION BY THE SECRETARY GENERAL**

The Department of Justice and Equality's mission goes to the heart of what is vital in a democratic society – touching on aspects of national and economic life ranging across the protection of life and property; the prevention and detection of crime; providing a Courts Service and other forms of investigative tribunals; the provision of services for the buying and selling of property; the management of inward migration to the State, the promotion of justice and equity and the updating of our criminal and civil laws.

We also serve the interests of Ireland in relation to Justice and Home Affairs matters by participating fully in the European Union, the Council of Europe and the United Nations among other international fora.

This Report records the Department's achievements during 2012.

I want to thank the staff of the Department and our partners across the Justice and Equality sector for their co-operation and support in the broad range of work described in this Report.

Brian Purcell  
Secretary General

July 2013

## Part 1- CONTEXT

### Policy context

In the context of the Programme for Government 2011-2016, the Department developed a new Strategy Statement 2011-2014 which aims to set out concisely our priorities over this three year period, having regard to the resources available. This was published in March 2012 and is available at [www.justice.ie](http://www.justice.ie). It sets out the Department's focus on:

- Economic and fiscal recovery
- Crime and security
- Effectiveness of justice system
- Fairness, equality and integration
- Law and regulatory reform
- International obligations
- Cross-functional and joint agency collaboration
- "Open Government" reform
- Delivering an excellent service.

To achieve our goals, the Strategy Statement set out to

- put in place a policy direction and framework for **tackling crime**, including prevention, intervention and enforcement measures, and money laundering
- set the strategic direction for an **integrated justice system** and support all elements of the system as well as developing alternatives to custody and alternative dispute resolution mechanisms
- support community policing models and partnerships, including interventions directed at young offenders, as a response to anti-social behaviour and low-level crime
- coordinate, develop and implement policies to promote **equality and integration**
- develop measures and maintain policies aimed at ensuring the **security of the State** and participate in/contribute to international initiatives to counter the threat of terrorism and serious/organised crime
- implement **immigration** and related policies and services that are responsive to the needs of Irish society, contribute to tourism and economic development, and comply with our national and international obligations
- enhance capacity to tackle **human trafficking, domestic, sexual and gender-based violence, and misuse of drugs, including alcohol**
- foster **North-South and international co-operation** in all relevant matters
- develop appropriate **legislative frameworks and instruments** as a basis for justice and equality interventions
- establish appropriate **regulatory frameworks** for the protection of individuals/organisations and as a basis for economic recovery and growth
- provide effective **governance** oversight of agencies within the Department's remit
- drive **organisational change and development** in the Department and its agencies, pursuant to the Public Service transformation and change agenda, optimising integration, shared services, strategic procurement and ICT, to maintain essential front-line services, in line with the *Programme for Government*.

## **Resources**

Across the five Votes for which the Minister is responsible, the budget in 2012 was € 2.3billion, compared with €2.43billion in 2011 (see also Appendix 1).

Staff numbers, as embodied in the Employment Control Framework (ECF) are on a downward path, reflecting the Government's commitment to reduce public service numbers. At end 2011, the total ECF for the sector was 23,348 while at the end 2012 the ceiling was 22,621.

There were approximately 390 full time equivalent staff working in the Department, approximately 556 in INIS and approximately 177 in Financial Shared Services at the end of 2012.



**Part 2- PROGRESS ON ACTIONS AS SET OUT IN OUR STRATEGY  
STATEMENT 2011-2014**

<b>Tackling Crime</b>	
<b>Actions</b>	<b>Progress</b>
Develop a <i>White Paper on Crime</i>	A White Paper on Crime is currently under preparation. Work on the White Paper on Crime, incorporating a National Anti Crime Strategy, was advanced during 2012 with a view to publication in 2013.
Continue to develop policy in relation to combating organised crime and cybercrime	<p>The Policing Plan for 2012 setting out the policing priorities and key actions in tackling organised crime for the year ahead was agreed and laid before the Houses of the Oireachtas.</p> <p>At European level, work continued on the implementation of the priorities for tackling organised crime through the Policy Cycle 2011-2013.</p> <p>Work continued on a comprehensive review of national and European laws governing the confiscation of proceeds of crime, and on the development of a new Criminal Justice (Cybercrime) Bill to enable Ireland to ratify the Council of Europe Convention on Cybercrime and to give effect to any legislation requirements arising from the new EU Directive on Attacks against Information Systems</p>
Enable white collar crime to be effectively tackled	<p>The Government approved the general scheme of the Criminal Justice (Corruption) Bill 2012. The Bill, when enacted, will update, reform, consolidate, clarify and strengthen the law criminalising corruption, replacing seven overlapping Acts stretching back to Victorian times.</p> <p>The Government approved the Heads of the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2012. The Bill will refine the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 in light of the experience of its operation over the previous two years.</p> <p><b>Anti-Money laundering</b> The Anti-Money Laundering Compliance Unit in exercising the powers of a State Competent Authority under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 continued to oversee the implementation of anti-money laundering controls across a range of business sectors within its remit.</p> <p>A total of 368 inspections were carried out in the high value cash, tax adviser, trust or company services and private gaming club sectors. A total of 115 reports in respect of cash transactions of a substantial value have been referred to An Garda Síochána and the Revenue Commissioners for attention.</p> <p>Authorisations of Trust and Company Service Providers (TCSP) also continued, bringing the total number registered at end of year 2012 to 273. Registrations of Private Member Gaming Clubs (PMGC) stood at 29 at the end of the year.</p>

Establish a DNA database to assist An Garda Síochána in the investigation of serious crime	Subject to new Government legislation priorities, work continued on the drafting of the Criminal Justice (Forensic Evidence and DNA Database System) Bill which will provide for the establishment of a DNA database to assist An Garda Síochána in the targeted investigation of crime, and in locating and identifying missing and unknown persons, while ensuring that the individual's right to privacy is not infringed in a disproportionate manner.
Develop more competent, caring and efficient services for victims of crime	<p>In 2012, the Commission for the Support of Victims of Crime allocated €1,154,139 to 50 voluntary sector organisations providing services and assistance to victims of crime. These organisations received funding to provide emotional support, counselling and information to victims of domestic violence, sexual crimes, homicide, child victims, and victims of general crime as well as court accompaniment services and accompaniment to Garda interviews and to Sexual Assault Treatment Units (SATUs). These services were provided by 26 full time equivalent employees of the funded organisations in conjunction with almost 500 volunteers. A total of 15,637 victims were assisted with this funding, an increase of 13% compared to the 2011 figures.</p> <p>At meetings of the European Council, the Minister contributed to the development of the proposed EU Regulation detailing the rights of victims of crime to provide a uniform protection for such victims across the European Union.</p>

### **Other developments in 2012:**

#### **Crime Statistics**

The Central Statistics Office (CSO) recorded crime statistics for 2012 show a reduction of 5.5% in the published figures for recorded crime and a decrease in 10 of the 14 crime groups for which figures are given, over the previous year.

The figure for burglary offences has stabilised over the year, with the number of burglaries in the last quarter of 2012 down 11% over the same quarter in 2011. The reduction in burglaries largely coincides with the introduction by the Garda Commissioner of Operation Fíacla in early 2012.

Detailed crime statistics are available on the CSO website, [www.cso.ie](http://www.cso.ie).

#### **Firearms**

As at 31st December 2012, there were 273 firearms dealers on the Minister's Register of Firearms Dealers. A total of 138 of these are registered to trade in firearms and ammunition (including 66 with authorisation to trade in restricted firearms) and a further 69 firearms dealers are registered to trade in ammunition only. In 2012, 1061 applications for the importation of firearms and ammunition were processed.

During 2012, work commenced on the target shooting range certification process. At the end of 2012, 16 ranges had completed the certification process, with a further 13 applications in hand.

#### **Explosives**

Commission Directive 2012/4/EU was transposed into Irish law via S.I. 406 of 2012 - the European Union (System for the Identification and Traceability of Explosives for Civil

Uses)(Amendment) Regulations 2012. This Directive, and the Directive which it amends, form part of the efforts to strengthen the control of explosives for civil uses.

After completion of an extensive risk assessment, the Minister issued the first licence of its kind in the State for the underground storage of explosives in Tara mine.

During 2012, approximately 460 licence applications for the importation of explosives (including commercial explosives, deemed explosives and fireworks) were processed. Other licences, such as those for the on site mixing and manufacture of emulsion explosives, were also issued.

Integrated Justice System	
Actions	Progress
Further develop cross-agency communications	Collaborative efforts have yielded good results on efficiency measures across the Justice and Equality sector and in particular across the criminal justice agencies. Garda management (working through the GRACE Programme) and the Working Group on Efficiency Measures in the District and Circuit Court have been working to identify and implement measures to reduce delays, repeat court appearances and the length of time Gardaí spend in court. Many of the measures identified have already been introduced. Other cross-agency initiatives include the Joint Probation/Irish Prison Service Strategy, including the establishment of a Co-Located Unit to manage the Community Return Programme, the electronic transfer of information between the Garda Vetting Unit and the Probation Service and guidelines for information sharing between the Probation Service and key agencies in the criminal justice system.
Expand ICT linkages within the justice system	<p>The ICT Governance Group continued its work to drive consolidation of and value for money between the Department's IT shared service and other IT functions in the Justice sector. There were also a number of specific initiatives such as:</p> <ul style="list-style-type: none"> <li>• use of video links between courts and prisons;</li> <li>• launch of the Criminal Records Office database allowing the Garda Vetting Unit to link with and update the Probation Service database.</li> </ul>
Continue process of courts reform, including Judicial Council, Court of Appeal, judicial appointments, Circuit Civil Commercial Court and mediation	<p>The Government approved in principle a Referendum on Article 34 of the Constitution. The proposals accepted by Government have the potential to achieve some of the most significant changes to the courts structures which have remained largely unchanged since 1924. The amendment to Article 34 of the Constitution, as proposed, would permit the establishment of additional superior courts including, for example, the establishment of a Civil Court of Appeal and a new separate Family Court structure.</p> <p>The Government also agreed that further consideration should be given to the possibility of introducing other constitutional changes to Article 26 dealing with the reference of a Bill by the President to the Supreme Court. Consideration will also be given to adding a secular oath as an optional alternative to the current form of judicial declaration contained in Article 34.5.</p> <p>In late 2012, the Government approved the drafting of a Courts Bill</p>

## Integrated Justice System

	<p>which proposes, firstly, to modify the in camera rule which prevents members of the public, including the press, from being present in court when family law and child care proceedings are being heard and, secondly, to increase the monetary jurisdiction limits of the Circuit and District Courts in civil proceedings.</p>
Continue process of reform of the management and administration of court functions	<p><b>Report of the Working Group on Efficiency Measures in the Criminal Justice System - Circuit and District Courts</b></p> <p>The Working Group on Efficiency Measures in the Criminal Justice System – Circuit and District Courts, which was established in November 2011 at the request of the Chief Justice, the Hon. Mrs. Justice Susan Denham, and the Minister, reported in November 2012. It has led to the introduction of a number of initiatives to improve efficiency in the courts and to reduce the time spent unnecessarily by Gardaí in the courts, including:</p> <ul style="list-style-type: none"> <li>- pilot pre-trial procedure in three circuits of the Criminal Court, aimed at removing delays in cases;</li> <li>- requesting that the courts schedule hearings for days on which Gardaí are rostered;</li> <li>- requesting that Gardaí ask to be excused from court after giving evidence.</li> <li>- video conferencing facilities are now installed in all prisons and the main courthouses, reducing the need to transfer prisoners to court.</li> </ul> <p>The Group's work continues throughout 2013.</p>
Continue process of reform of legal aid to ensure service delivered at most economical cost	<p>Expenditure on criminal legal aid during 2012 amounted to €50.5 million, a decrease of 10% on 2011 (€56.1 million). This reduction in the annual expenditure is the largest ever recorded and represents a fall of approximately €10 million or 16% over the peak recorded in 2009. A number of measures were taken during 2011 with a view to reducing costs including fee reductions of 10% in all courts. As these fee reductions were implemented in the second and third quarters of 2011, the full benefit was not realised until 2012. The impact of these fee reductions together with efficiency measures being implemented across the criminal justice agencies should continue to impact on criminal legal aid costs throughout 2013.</p> <p>Responsibility for the administration of the Legal Aid – Custody Issues Scheme (formerly known as the Attorney General's Scheme) was transferred from the Department to the Legal Aid Board with effect from 1 June 2012. A new Criminal Justice (Legal Aid) Bill is planned. The aim of this proposed legislation is to update and strengthen the system of granting legal aid and provide for the transfer of responsibility for the management and administration of the Criminal Legal Aid Scheme from the Department to the Legal Aid Board.</p>
Review penal policy	<p>In September 2012 a working group was established to conduct a strategic review of penal policy. This was in line with the recommendations of the Thornton Hall Project Review Group which reported in 2011. The Working Group has been asked to make recommendations as to how a principled and sustainable penal system might be further enhanced taking into account resource implications, Constitutional imperatives and our international obligations. The Group has also been asked to include an examination and analysis of</p>

## Integrated Justice System

	<p>the role of penal policy in crime prevention, sentencing policies, alternatives to custody, custodial accommodation and regimes, reintegration and rehabilitation, and any special issues relating to female offenders and prisoners.</p> <p>Robust new procedures for the investigation of prisoner complaints came into operation in November 2012, including that complaints will be examined by independent investigators from outside the Prison Service and giving the Inspector of Prisons oversight of the process from the very beginning. In addition, an independent process for the investigation of deaths in prison custody has been set up. The Inspector now carries out investigations of all deaths occurring since 1st January, 2012.</p> <p>Community Return - an incentivised scheme under which low risk offenders are offered early release in return for supervised community service – commenced roll out on a national basis during the year. By the end of 2012, 365 offenders were released on to the scheme and a total of 221 persons had completed their allocated work with approximately 10% being returned to custody for non compliance. The Community Return had a compliance rate of 90% during 2012.</p>
Review prison development strategy and oversight mechanisms	<p><b>Upgrading our Prison Infrastructure</b></p> <p>A new accommodation block became operational in the Midlands Prison at the end of 2012, providing 300 additional spaces with in-cell sanitation, as well as new work, training and education facilities. A programme of refurbishment is underway at Mountjoy prison, to provide in-cell sanitation throughout the prison by July, 2014. Refurbishment of the B and C-wings was completed in 2012.</p> <p>In 2012 approval was given for the development of a new, modern 275 space prison in Cork, to replace the existing outdated facilities and provide in-cell sanitation for all inmates. Construction of the new prison will commence in late 2013 and the prison will be completed in early 2016. Plans are also underway for a major redevelopment at Limerick prison.</p> <p>In relation to alternatives to custody, the Government approved drafting of the Fines (Amendment) Bill 2012 on 16 October 2012. The Bill provides that where a person fails to pay a fine, the court may make an attachment of earnings order, a recovery order or a community service order. Furthermore, the Criminal Justice (Community Service) (Amendment) Act 2011 now requires judges when considering imposing a sentence of imprisonment of 12 months or less to first consider the appropriateness of community service as an alternative to imprisonment.</p> <p>In line with the recommendation of the Thornton Hall Project Review Group, an interdepartmental Group was established to examine the issue of people with mental illness coming into the criminal justice system. The work of the group is ongoing.</p> <p>Finally, in relation to St. Patrick's Institution, the practice of sending</p>

## Integrated Justice System

	<p>16 year old boys to St Patrick's ceased on 1st May, 2012. From that date, all newly remanded or sentenced 16 year olds have been detained in the children detention facilities in Oberstown, Lusk, Co Dublin. The detention of children in St. Patrick's Institution will end with the provision of more appropriate accommodation and regimes in the new detention facility at Oberstown by mid-2014. In addition, the feasibility of accommodating some categories of the 17 year old age group in the child detention schools before mid-2014 is being actively examined.</p> <p><b>Reduce the Flow of Drugs to Prisons</b> A range of security initiatives have been introduced in closed prisons, including x-ray scanners, tighter control and monitoring of prison visits, airport style security screening of all staff and visitors coming into the prison, a Canine Unit and increased random searches of prisoner accommodation. These security measures have proven particularly effective in reducing the availability of drugs in the prisons, with drug seizures decreasing by 28 per cent between 2010 and 2012. In addition, a number of Drug-Free Units were established in closed prisons during 2012, contributing to a safer environment for both staff and prisoners.</p> <p><b>Mobile Phones in Prisons</b> Airport-style scanners and x-ray machines are now in operation at the entrances to all closed prisons. These security measures assist in the prevention of smuggling into prisons e.g. the number of mobile phones seized from prisoners fell from 1,368 in 2011 to 1,150 in 2012.</p>
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### Judicial Appointments

The Hon. Mr. Justice Raymond Groarke was appointed President of the Circuit Court and the Hon. Judge Rosemary Horgan was appointed President of the District Court with effect from on 13 July 2012. Both appointments are for a term of seven years. In addition, two judges were nominated by the Government for appointment by the President to the Supreme Court; three to the High Court, seven to the Circuit Court and eight to the District Court. The Government also made two appointments to the Special Criminal Court in 2012. A second Taxing Master, Ms. Rowena Mulcahy, was appointed on 24 January 2012. Mr. James Barry was appointed by the Government as Dublin City Sheriff with effect from 1 January 2013.

The Personal Insolvency Act 2012 created a new cadre of Specialist Judges of the Circuit Court to facilitate the speedy consideration of insolvency applications by that Court. In order to avoid expenditure on additional judicial salaries and pensions, eligibility for these new judgeships was initially confined under the provisions of the 2012 Act to serving County Registrars. It is intended that appointments will be made during 2013, following receipt of recommendations from the Judicial Appointments Advisory Board.

## Community Policing Models and Partnerships

Actions	Progress
Strong and efficient policing	In accordance with the provisions of the Garda Síochána Act 2005, the Minister's priorities for An Garda Síochána were incorporated into the



	<p>Garda Síochána Policing Plan 2012. The Plan, which is available on the Garda Síochána website, <a href="http://www.garda.ie">www.garda.ie</a> contains key actions and performance indicators for effective policing. The 2012 Policing Plan and the 2011 Annual Report for the Garda Síochána were laid before the Houses of the Oireachtas in compliance with the relevant provisions of the 2005 Act.</p> <p>The Government approved the provision of three new Garda Divisional Headquarters for the Dublin South Central, Galway and Wexford Divisions as part of a total of €190m to be invested in a range of Garda and Courts capital projects.</p> <p>The provision of the three new Garda Divisional Headquarters will significantly enhance the capacity of the Force to carry out its functions more effectively. It is intended that these projects will be delivered by means of Public Private Partnership and they are being actively pursued by the relevant agencies.</p> <p><b>Freeing-Up Gardaí from Administrative Duties</b> Following a successful pilot project in 2012 which saw civilian staff delivering immigration services at Dublin airport, plans are underway for its full-scale extension which will ultimately release a significant number of Gardaí to frontline policing duties.</p> <p><b>Consolidation of Garda Station Network</b> The consolidation of the Garda Station network commenced in 2012 with the closure of 39 Garda Stations (8 of which had not opened for some time). A further 100 Garda Stations were included in a list for closure in 2013. The closures will result in an extra 61,000 patrol hours being available in 2013 so that the maximum possible number of Gardaí are engaging in frontline policing in our communities – investigating, detecting and preventing crime.</p> <p><b>Garda Fleet</b> Additional funding to the Garda transport fleet was made available which brought total investment in the Garda fleet in 2012 to €4 million and resulted in 213 new vehicles being procured.</p> <p><b>Garda Rostering</b> A new Garda Roster and Working Time Agreement has been developed, agreed and implemented by An Garda Síochána. The new arrangements, which include overlapping shift patterns, result in more Gardaí being on duty during periods of greater policing demand and fewer at quieter times.</p>
Review of operation of Joint Policing Committees	<p><b>Joint Policing Committees</b> The functions and powers of Joint Policing Committees (JPCs) are set out in the Garda Síochána Act 2005, which provides for a Committee in each local authority area. JPCs provide the framework for a partnership process involving An Garda Síochána and elected members and officials of the local authority.</p> <p>The Programme for Government makes a commitment to build on existing community policing partnerships and forums to enhance trust between local communities and their Gardaí. In the spirit of that</p>

	commitment the Minister initiated a review of the operation of JPCs and, on 29 November 2012, published a discussion document to open the matter for wider consultation. This Department, together with the Garda authorities and the Department of the Environment, Community and Local Government is examining the feedback received during the consultation process, to see if any amendments should be made to the existing guidelines which would enhance the operation of JPCs. The review process will need to take into account the broader developments with respect to local government reform which are underway and the implications of this reform for the operation of JPCs.
Improve effectiveness of Garda Youth Diversion Projects and other community-based interventions in relation to juvenile offenders	The 2011 Annual Report on the Garda Diversion Programme noted a reduction of 28.79% in the number of children coming to the attention of An Garda Síochána compared to 2010. The Report also noted a 14% increase in restorative justice practice on 2010 figures.
Increase effectiveness of enforcement to improve safety on the roads	<p>Throughout 2012 the Department of Justice and Equality continued to work in partnership with An Garda Síochána, the Road Safety Authority, The Department of Transport, Tourism and Sport, and other relevant stakeholders in the field of road safety with the overall objective of reducing the number of serious and fatal injury collisions on our roads. There were 162 road fatalities in 2012 (186 in 2011), down from 458 in 1998 and the lowest number on record.</p> <p>The Department also collaborated with the key road safety agencies in the development of Ireland's fourth Road Safety Strategy 2013 – 2020 which was launched in 2013.</p>

## Equality and Integration

Actions	Progress
Oversee the implementation of the <i>National Women's Strategy, 2007–2016</i> and implement a programme of positive actions to foster gender equality; and assist Government Departments and public bodies in taking note of gender equality issues and rights in carrying out their functions	<p><b>National Women's Strategy</b></p> <p>The implementation of the National Women's Strategy 2007-2016 (NWS) is overseen by the NWS Monitoring Committee which met in July 2012 under the chairmanship of Minister of State Kathleen Lynch, T.D.. A Joint 2011/2012 Progress Report on the implementation of the Strategy will be finalised in 2013 and sent to Government in 2013.</p> <p>A mid-Term Review of the Strategy also began in 2012 to ensure that the Strategy remains pertinent to the changing environment. It too will go to Government in 2013.</p> <p>Linking to the Programme for Government commitment to increase women's representation in decision-making roles, a Sub-Committee of the NWS Monitoring Committee, also chaired by the Minister of State, has examined the issue of women in senior decision-making roles in the following areas: management roles in the public and private sectors; on State and corporate boards; political decision-making; in the judiciary; and in the diplomatic service. The Report of the Sub-Committee has been completed and will be presented to Government</p>



## Equality and Integration

	<p>in 2013.</p> <p>On 20<sup>th</sup> January 2012, the Minister of State hosted a successful cross-party Conference in Dublin Castle, entitled ‘How to Elect More Women?’ The Conference aimed to explore the issue of women’s increased participation in Irish political life and to promote discussion on the changes needed if political parties are to fully embrace the need for greater equality in political life. The Conference featured the Leaders and General Secretaries of all of the main political parties, including the Taoiseach and Tánaiste. Over 300 participants heard from all parties and from academics; and international guest speakers from the OSCE, the UK and France.</p> <p><b>Women on State Boards</b></p> <p>Although this has been a long term Government commitment, the 2011 Report, submitted to Government in December 2012, shows that female membership of State Boards was 33.9% in 2011, compared to the target of 40 per cent which has been restated in the Programme for Government 2011-2016.</p> <p><b>Positive Action Measures to foster Gender Equality</b></p> <p>The Equality for Women Measure 2008-2013 (EWM) is a positive action programme for women, which aims to foster gender equality to promote the economic engagement of women. The Measure receives European Social Fund (ESF) funding under the Human Capital Investment Operational Programme (HCIOP). In 2012, 29 courses were delivered under Strand 1 (Access to Employment), with a total of 1,964 women availing of initiatives under this Strand, of which almost 30 per cent moved to employment or advanced training. A further 1,069 women availed of training under the Entrepreneurship Strand (Strand 2) while nearly 300 female delegates attended the annual National Women’s Enterprise Day seminar and training event. Additionally, 140 women participated in in-service development training under Strand 3 (Career Development).</p> <p><b>International Work on Gender Equality</b></p> <p>The Department works closely with the European Commission and the other Member States, the Council of Europe and the United Nations on a range of topics relating to gender equality.</p> <p><b>Equality &amp; Diversity</b></p> <p>The Equal Status (Amendment) Act 2012 gave effect in national law to the decision of the European Court of Justice in the Test-Achats Case. As a result it was no longer permissible for insurance companies as from 21 December 2012 to offer life insurance and motor insurance on the basis of differing pricing for men and women.</p>
Support integrated policies and activities to further the integration of the Traveller Community	<p>The Traveller Inter-Agency Groups around the country continue to work to provide an integrated approach to services for travellers. The Traveller Policy Division continued to facilitate this work throughout 2012. Work is also ongoing in devising a Traveller Data Strategy which will help to identify gaps in service provision to Travellers, focus resources and improve outcomes against appropriate indicators.</p>

## Equality and Integration

<p>Raise awareness of and co-ordinate and support the equal participation of people with disabilities in society</p>	<p><b>An Implementation Plan for the National Disability Strategy</b></p> <p>A new Implementation Group, called the National Disability Strategy Implementation Group (NDSIG) which is comprised of the key Government Departments concerned with disability, the County and City Managers Association, the National Disability Authority and a newly configured Disability Stakeholders Group, has been established to develop an implementation plan for the National Disability Strategy, which will include specific actions, timelines and targets to be implemented over a three year period.</p> <p>A Disability Forum was established in 2012 under the stewardship of the National Disability Authority, to facilitate better consultation with stakeholders and capture the perspective and lived experience of the end user.</p> <p><b>Irish Sign Language</b></p> <p>The National Disability Authority held a round table discussion with representation from the deaf community, together with the relevant Government Departments, in May 2012, to commence the process of identifying what actions the deaf community would like to see, in order to promote the further recognition of Irish Sign Language (ISL). As part of this process, actions in relation to the further recognition of ISL, where relevant and appropriate, are being considered for inclusion in the National Disability Strategy Implementation Plan along with actions that do not necessarily relate to the recognition of the language itself but would be of benefit to the Deaf Community .</p>
<p>Continue process of drafting the Assisted Decision-Making (Capacity) Bill</p>	<p>Significant progress was made in drafting the Assisted Decision-Making (Capacity) Bill, which will reform the law on mental capacity in line with the UN Convention on the Rights of Persons with Disabilities (UNCRPD), taking into account the Law Reform Commission's Report on Vulnerable Adults and the Law. Enactment of the Bill will be a major stepping stone towards enabling ratification of the UNCRPD and constitutes a commitment in this regard in the Programme for Government 2011-2016.</p>
<p>Support and facilitate the integration of legally-resident immigrants into Irish society</p>	<p><b>Migrant Integration</b></p> <p>The Office for the Promotion of Migrant Integration continued to pursue this work in conjunction with other competent bodies. In 2012, funding of €1,295,844 was provided to organisations (mainly local authorities, sporting bodies and NGOs) to promote integration and tolerance. This is on a similar scale to 2011. In addition, the Office is the responsible authority in Ireland for the European Refugee Fund and the European Fund for the Integration of Third-Country Nationals. Pursuant to an earlier call for applications made by Pobal, 23 projects under both Funds commenced – some of these are ongoing and some have concluded.</p> <p>The Resettlement Coordination Unit of the Office for the Promotion of Migrant Integration continues to coordinate the selection and resettlement of refugees admitted under the UNHCR led annual resettlement programme. Thirty nine persons were resettled during 2012 bringing the total admitted under the resettlement programme</p>

## Equality and Integration

	<p>since it started in 2000 to 1,043. The 2012 programme included 4 serious medical cases whose medical needs could not be met except through resettlement. A further ten persons were relocated from Malta, for resettlement purposes, as a gesture of support to the Maltese Government at a time of exceptional migratory pressure. Refugees admitted in 2012 were resettled in Arklow, Monaghan, Limerick and Dublin. The Resettlement staff of the Office for the Promotion of Migrant Integration work closely with the refugees, the receiving communities, Government Departments and Service Providers to ensure that the services and supports necessary for successful resettlement are put in place.</p> <p>Ireland continues to share resettlement expertise with emerging resettlement countries and, in this regard, welcomed a visit by a Japanese delegation who are in the early stages of their resettlement programme.</p>
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## Other developments in 2012

### Irish Human Rights and Equality Commission

The draft heads of a new Irish Human Rights and Equality Commission Bill were published in 2012. The purpose of this change is to promote human rights and equality issues in a more effective, efficient and cohesive way. The Bill is expected to be published in 2013. In addition to providing for the amalgamation of the Human Rights Commission and the Equality Authority, this legislation will provide for an express duty on public bodies to have due regard to human rights and equality. Public bodies will be obliged to set out consideration of human rights and equality issues, relevant to their work, in their strategic plans and report on them in their Annual Reports. In November 2012 advertisements inviting expressions of interest for positions on the new Commission appeared in the media. Appointments were subsequently made in early 2013.

### Universal Periodic Review

In March 2012, Ireland submitted responses to those recommendations made during our first review under the UPR process which had not been replied to at the time of the review in October 2011. Of the 127 recommendations made by UN member states, Ireland accepted 91, partially accepted 17 and declined 19. Ireland has undertaken to carry out a voluntary mid-term report on progress with regard to the accepted recommendations early in 2014.

## Security of the State

Actions	Progress
Counter the threat of violence by terrorists	The Government approved the Heads of the Criminal Justice (Terrorist Offences) (Amendment) Bill on 6 November, 2012. The Bill will transpose EU Framework Decision 2008/919/JHA and enable ratification of the Council of Europe Convention on the Prevention of Terrorism.

Immigration	
Actions	Progress
Develop the immigration system to contribute to investment in the State and to assist in economic development	<p><b>New Arrangements for Visitor Visas</b></p> <p>The <b>Irish Short-Stay Visa Waiver Programme</b>, which was established to assist in the promotion of Ireland as a quality business and leisure destination, has been extended for a further period of four years and the number of countries covered has been increased to seventeen. In 2012, the number of visits from the countries covered by the Programme was 38% higher than in 2010, the last full year before the introduction of the Programme. These figures are expected to increase further in 2013.</p> <p>The Irish Naturalisation and Immigration Service (INIS) is continuing to work closely with UK counterparts towards the implementation of a reciprocal visa programme for <b>short stay visitors</b>. It is anticipated that such a visa will prove an attractive option for tourists and business visitors, particularly in the context of the island of Ireland by facilitating visitors to travel freely throughout the island of Ireland without the need for a separate Irish and UK visa.</p> <p>In addition, the roll-out of a <b>multi-entry visa regime for business travellers</b> is ongoing, which allows for the granting of multi-entry visas of up to three-years duration. This was implemented in the Gulf region in 2011, in Russia and China in 2012, and it is proposed to extend the regime to India in 2013.</p> <p><b>Immigrant Investor Programme and Start-up Entrepreneur Programme:</b></p> <p>The Immigrant Investor Programme and the Start-up Entrepreneur Programme are two new immigration programmes aimed at stimulating investment and job creation in Ireland, approved by Government at the start of 2012 with applications being accepted since April 2012. Fourteen applications have been approved to date representing a total investment in Ireland of over €10.4 million. This investment is projected to protect over 80 existing jobs and create 190 jobs in new enterprises over the next 3 years which underlines the job creation potential of the initiative.</p>
Maintain the integrity of the asylum and immigration system	<p><b>Reform of the Immigration, Residency and Asylum Systems</b></p> <p>The Irish Naturalisation and Immigration Service has embarked on a major reform of the delivery of immigration elements such as the civilianisation of the Garda registration function and replacing Gardaí with civilians to carry out certain immigration functions at ports of entry. In addition, the outsourcing of non-core functions such as payment collection and the production of residence permits (secure cards), and the computerisation of elements such as on-line scheduling of appointments are being pursued.</p> <p>Work continued on the preparation of a comprehensive Bill relating to Immigration, Residency and Protection and to this end preparations for elements of reform included in the Bill such as the introduction of a single procedure for protection applicants continued throughout the year and will be implemented on the enactment of the requisite legislation.</p>

## Immigration

### **Citizenship Applications**

Notwithstanding a major increase in the volume of valid applications being received from 12,500 in 2010 to just under 20,000 in 2012, the vast bulk of the backlog of citizenship applications that existed when the Minister for Justice and Equality took office in 2011 have been processed. New procedures have been implemented to facilitate more efficient and faster processing of citizenship applications resulting in over 25,000 applications decided in 2012, compared to 16,000 in 2011 and fewer than 8,000 in 2010.

### **Citizenship Ceremonies**

The success of the citizenship ceremonies, introduced for the first time in this State in 2011, continued into 2012. The ceremonies, which were held over the year at regular intervals allow candidates for citizenship make their declaration of fidelity to the Irish nation and loyalty to the State and receive their certificate of naturalisation in a meaningful and dignified manner which befits the importance and solemnity of the occasion. As many as 4,000 candidates receive their certificate of naturalisation on each ceremony day. Almost 20,000 persons were conferred with citizenship at thirty-five ceremonies in 2012.

### **Reception and Integration Agency (RIA)**

4,841 persons were being accommodated in centres under contract to RIA at the end of 2012 – a decrease of 582 persons, or 11%, from the same date in 2011. Over the same period, the number of contracted centres fell from 39 to 35 representing a decline in bed numbers of 526 or 9% of contracted capacity. In 2012, RIA spent €62.3 million i.e. a decrease of 10.4% on the 2011 outturn.

## **Further information -2012**

### **Key figures for Visas, Registrations, Deportations, Voluntary Returns and EU Treaty Rights**

#### **Asylum Applications**

A total of 956 applications for asylum were received in 2012 which represented a decrease of almost 26% in applications compared to 2011. The top five countries of origin for asylum seekers in 2012 were Nigeria, Pakistan, Democratic Republic of Congo, Zimbabwe and Albania which between them accounted for 44% of all applications received.

#### **Visas**

132,425 Irish visa applications were received worldwide in 2012. Of this total, 88,345 applications were for initial entry visas, and 44,080 applications were for re-entry visas. The overall approval rate for entry visa applications was 91%, which is high by international standards. The top five nationalities applying for entry visas in 2012 were India (16%), Russia (14%), China (11%), Nigeria (8%) and Saudi Arabia (5%)

#### **Registrations**

All non-EEA nationals over 16 remaining in the State for longer than 90 days are required to register with the Garda National Immigration Bureau. At the end of 2012, approximately 121,000 non-EEA nationals had permission to remain in the State. This compares with

128,900 at the end of 2011 and 133,200 in 2010. The majority of persons with permission to remain in the State are here for work, family or study purposes.

The top six registered nationalities which account for over 50% of all persons registered at the end of 2012 were India (11%), Nigeria (9%), Brazil (9%), China (9%), Philippines (7%) and USA (7%)

### **Deportations/Removals from the State**

Over 2,600 persons were deported/removed from the State in 2012. This number comprises 2,204 non-EEA nationals who were refused entry into the State at ports of entry (the majority of these are returned to the place from where they had come), 302 failed asylum seekers and illegal migrants who were deported from the State, 70 asylum seekers transferred to the EU member state in which they first applied for asylum under the Dublin Regulation and 33 EU nationals were returned to their countries of origin on foot of an EU Removal Order.

### **Voluntary Returns**

A total of 449 persons chose to return home voluntarily in 2012. Of that number, 359 were assisted to return by the International Organisation for Migration (IOM).

### **EU Treaty Rights**

Provisional figures show that EU Treaty Rights Section received 2,817 applications for leave to remain in Ireland in 2012. During that period, 1,829 permissions were approved and 818 refused. A request for a review of a refusal decision was made in 458 cases. The top five applicant nationalities for EU Treaty Rights in 2012 were Pakistani at 18%, Nigerian at 11%, Brazilian at 9%, Indian at 5% and Bangladesh at 4%.

### **Subsidiary Protection and Leave to Remain**

In accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006, 35 applications for subsidiary protection were granted in 2012. A total of 564 persons were granted Leave to Remain in the State following consideration of their cases under Section 3 of the Immigration Act 1999. Many other immigrants are routinely granted permission to reside in the State by virtue of their status, for example, as immigrant spouses, workers or students.

## **Tackling Human Trafficking, Domestic, Sexual and Gender-based Violence, and Misuse of Drugs, including Alcohol**

<b>Actions</b>	<b>Progress</b>
Complete review of <i>National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009–2012</i> ; develop new plan	<p><b>Human Trafficking</b></p> <p>The Review of the National Action was completed and is available on the anti-trafficking website <a href="http://www.blueblindfold.gov.ie">www.blueblindfold.gov.ie</a></p> <p>During 2012 in-depth reviews of Ireland's response to human trafficking were carried out by the <i>Special Representative and Coordinator for Combating Trafficking in Human Beings from the Organisation for Security and Cooperation in Europe (OSCE)</i> who visited in February and the <i>Council of Europe Group of Experts on Action to Combat Trafficking in Human Beings (GRETA)</i> who carried out a week long country visit in November. Both these visits involved in-depth discussion with a full range of State and non-State actors in this area and their reports will present an independent overview of the progress. Recommendations from these reports will feed into the second National Action Plan for Ireland.</p>



<p>Implement <i>National Strategy on Domestic, Sexual and Gender-based Violence, 2010 to 2014</i></p>	<p>Cosc, in conjunction with a broad range of partner organisations, continued to implement the National Strategy on Domestic, Sexual and Gender-based Violence 2010 to 2014, which includes 60 activities to take place over the life of the strategy. The activities are based on primary and secondary interventions. Primary intervention relates to the prevention of domestic, sexual and gender-based violence through increased understanding and recognition of the violence concerned and raising awareness of it. Secondary intervention deals with responding to the violence concerned by ensuring better provision of services to victims, improving co-ordination between service delivery organisations and dealing with the offending behaviour of perpetrators of the violence.</p> <p>Progress on implementation of the strategy is overseen by a Strategy Oversight Committee comprised of senior officials of relevant State agencies and Government Departments. The committee is chaired by the Secretary General of the Department of Justice and Equality. In addition progress on the implementation of the strategy is being encouraged and monitored by Cosc on an ongoing basis.</p> <p>According to the Interim Review of the Implementation of the strategy, which was undertaken by the Institute of Public Administration during 2012, good progress had been made since 2010 on implementing the actions contained in the strategy. Further information on progress on implementation of the Strategy can be found at <a href="http://www.cosc.ie">http://www.cosc.ie</a>.</p> <p><b>Sexual and Gender Based Violence</b></p> <p>In June 2012 a discussion document was published on the future direction of legislation on prostitution. The document sets out four broad approaches to legislative policy on prostitution, for discussion. On its publication, the discussion document was referred to the Joint Oireachtas Committee on Justice, Defence and Equality. The Joint Committee is conducting the consultation process and will report back when it has completed its work. In addition, the Department of Justice and Equality hosted a conference in October 2012 to discuss the consultation paper. The report of the Joint Committee and the views expressed at the conference will be fully considered in the framing of any necessary legislative proposals to be submitted to Government in due course.</p>
<p>Contribute to implementation of <i>National Substance Misuse Strategy</i></p>	<p>In tackling the problem of drug misuse, the Department continued at national level to work in close partnership with other Government Departments and Agencies and with the Community and Voluntary Sectors under the National Drugs Strategy (Interim) 2009-2016. The Strategy seeks to tackle the harm caused to individuals and society by the misuse of drugs in a comprehensive and integrated way through a pillar based approach of drug supply reduction, prevention, treatment, rehabilitation and research measures.</p> <p>The Department also worked closely with national partners during the year in the further development of drug policy at European and wider international levels. This included, for example, work undertaken in conjunction with national partners and European colleagues in the development of the new EU Drugs Strategy for the period 2013-2020. The report of the National Substance Misuse Strategy Steering Group on which this Department was represented was published in February 2012.</p>

## Other developments in 2012:

### Children First Justice Sector Implementation

The Department of Justice and Equality, along with An Garda Síochána, participated on the Children First Inter-Departmental Group established by the Minister for Children and Youth Affairs to oversee the effective implementation of Children First Guidance. A Children First Sectoral Committee was established in the Department of Justice and Equality to oversee arrangements for the implementation of Children First in the Justice and Equality Sector

## North-South and International Co-operation

Actions	Progress
Continue to seek to enhance North/South and international co-operation across the range of justice areas	<p><b>North- South Co-operation</b></p> <p>The Working Group under the Intergovernmental Agreement on Co-Operation on Criminal Justice Matters (IGA) met twice in 2012, once in Armagh and once in Dublin, to bring forward co-operation, experience sharing and mutual support initiatives in their various fields.</p> <p>In addition to the WG meetings, two Ministerial Meetings were also held under the IGA in 2012. Minister Shatter met with the Northern Ireland Minister of Justice, David Ford in May 2012 at Dublin Castle. On this occasion the two Ministers also had the opportunity to address the 2012 annual conference of the European Network of Forensic Science Institutes which was hosted in Dublin. The Ministers met again under the IGA in November 2012 when they addressed the annual joint conference of the Probation Service, Ireland and the Probation Board Northern Ireland at Haymarket in Dublin.</p> <p>Minister Shatter also met with Minister Ford on a number of occasions in 2012, outside the scope of the IGA. In February 2012, both Ministers met at Stormont along with Scotland's Cabinet Secretary for Justice, Mr. Kenny McAskill where the three Ministers discussed a range of policing and criminal justice matters of mutual interest. Minister Shatter and Minister Ford met again, along with senior police officers from both police forces, in October 2012 at the 10th Annual Cross Border Seminar on Organised Crime, where they reaffirmed their commitment to enhanced cross border cooperation in the fight against organised crime, North and South.</p> <p>The Minister also met with the Secretary of State for Northern Ireland, Owen Patterson MP, and his successor, Theresa Villiers MP, on a number of occasions during 2012 at which they discussed matters of mutual concern, particularly with regard to the security situation and ongoing efforts to counter terrorism. Officials in the Department and in the Northern Ireland Office also maintained regular contact in this regard.</p> <p><b>Enhance the Irish Role in EU Judicial and Home Affairs Cooperation</b></p> <p>The European Criminal Records Information System (ECRIS), which has been operational since April 2012, provides for the electronic exchange of criminal records information between Member States.</p>



	<p>The exchange of criminal records information ensures that police and judicial authorities in one state are fully aware of the criminal background of a person who is the subject of a criminal investigation or criminal proceedings.</p> <p><b>European Arrest Warrant</b> 313 EAWs were received in 2012.</p> <p>149 warrants resulted in surrender of persons to other Member States by Ireland in 2012. 750 warrants have resulted in surrender from 1 January 2004 (when the Act came into operation) to 31 December 2012, and since 1 January 2004, 236 warrants issued by Ireland have resulted in surrender to Ireland from other Member States - 52 surrenders in 2012.</p> <p><b>Mutual Legal Assistance</b> In 2012, the Department received 536 requests for assistance in relation to criminal proceedings and criminal investigations. Assistance sought included the taking of evidence, interviews of witnesses and the service of judicial documents.</p> <p><b>The Central Authority for International Child Abduction</b> The Central Authority for International Child Abduction is part of the Department of Justice and Equality. It was established on foot of the Child Abduction and Enforcement of Custody Orders Act 1991. The Central Authority dealt with a total of 276 applications in 2012. 147 of these were new applications while 129 were ongoing applications carried over from 2011. Of the 147 new applications involving 192 children, 64 concerned applications into the State from other Central Authorities while 83 concerned applications from the State to other countries. Of the 129 applications still active from the previous year, 60 were incoming and 69 outgoing.</p> <p>Separately, the enforcement of maintenance orders from abroad is provided for in the Maintenance Act 1994, which enabled Ireland to ratify the <a href="#">UN Convention on the Recovery Abroad of Maintenance Payments</a> (the New York Convention), which came into effect for Ireland in November 1995. EU countries are covered specifically by Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations. Under both instruments, a Central Authority has been established in the Department to facilitate the transmitting and receiving of maintenance claims between States. Given the nature of these claims, most are ongoing once made.</p>
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#### **Other developments in 2012:**

##### **Independent Commission for the Location of Victims Remains (ICLVR)**

The Department continued to support the work of the Independent Commission for the Location of Victims' Remains in 2012 during which year the ICLVR continued its efforts to locate the remains of a number of persons who were killed and secretly buried by paramilitary groups during the conflict in Northern Ireland and whose remains have not yet been found.

## Legislative Frameworks and Instruments

Actions	Progress
Implement agreed Government legislative programme -	
<ul style="list-style-type: none"> <li>▪ to enhance the protection of persons, property and society from criminality by progressively reforming the criminal law</li> <li>▪ to continue to reform our civil laws</li> </ul>	<p><b>The Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Act 2012</b> was signed by the President on 18 July, 2012. The Act came into effect on the 1 August, 2012. The Act creates an offence of withholding information on serious offences where those offences are committed against a child or a vulnerable adult. Serious offences are offences which carry a penalty of imprisonment for 5 years or more. They include most sexual offences and offences such as assault causing harm, abduction, manslaughter or murder.</p> <p>This Act fulfils one of the legislative commitments made by this Government to strengthen child protection. The Act will complement both the Children First Bill and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.</p> <p><b>The Criminal Justice (Search Warrants) Act 2012</b> was signed by the President on 24 July, 2012 and commenced on 25 July, 2012. This Act addresses the implications of the Supreme Court judgement in <i>Ali Charaf Damache v The Director of Prosecutions, Ireland</i> and the Attorney General delivered on 23 February 2012. The Court found section 29(1) of the Offences against the State Act 1939 to be unconstitutional. Under the new Act, the impugned section is replaced with a provision that: increases the availability of judges empowered to issue search warrants under the 1939 Act; and permits a senior member of the Garda Síochána who is independent of the investigation concerned to issue a warrant in urgent circumstances which render an application to a District Court judge impracticable.</p> <p><b>The National Vetting Bureau (Children and Vulnerable Persons) Bill</b> was enacted in December 2012. The Act provides a statutory basis for the use of Garda criminal records in the vetting of persons applying for employment working with children or vulnerable adults. The Act also provides for the use of “soft” information in regard to vetting. This is information other than criminal convictions where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.</p> <p>Vetting procedures are already a requirement under the Children First National Guidelines. In 2012 about 350,000 vetting applications were processed by the Garda Vetting Unit. The primary purpose of the Act is to put into law the procedures that have been developed to vet these applications. More importantly, the Act also makes it mandatory for persons working with children or vulnerable adults to be vetted, whereas at present this is done on the basis of a voluntary code. The Act also creates offences and penalties for persons who fail to comply with the provisions of the Act. The schedule to the Act lists in detail</p>

## Legislative Frameworks and Instruments

	<p>the types of work or activities that require vetting. These include:</p> <ul style="list-style-type: none"> <li>- Childcare services.</li> <li>- Schools.</li> <li>- Hospitals and health services.</li> <li>- Residential services or accommodation for children or vulnerable persons.</li> <li>- Treatment, therapy or counselling services for children or vulnerable persons.</li> <li>- Provision of leisure, sporting or physical activities to children or vulnerable persons.</li> <li>- Promotion of religious beliefs.</li> </ul> <p><b>The Jurisdiction of Courts and Enforcement of Judgments (Amendment) Bill</b> was enacted on 10 March 2012 and gives effect to the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007, the 2007 Lugano convention.</p>
<ul style="list-style-type: none"> <li>▪ to ensure that legislative programme reforms meet our EU and international commitments</li> </ul>	<p>In July 2012 the <b>European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012</b> completed its passage through the Oireachtas. It provides a mechanism to enable Ireland to give effect in Irish law to Surrender Agreements entered into by the European Union with countries other than Member States of the Union. It will also enable the terms of the European Arrest Warrant Act to be applied to any other countries with which the EU may have surrender agreements in the future, without the need for further primary legislation.</p> <p>The Europol Act 2012 implemented into Irish law the EU Council Decision of 6 April 2009 establishing the European Police Office (Europol) and provides for greater cooperation between EU member states in the fight against organised and serious crime.</p>
<ul style="list-style-type: none"> <li>▪ this will include the Personal Insolvency Bill, which will provide for a new framework for settlement of debt and personal insolvency (the commitment under the EU/ECB/IMF Programme of Financial Support for Ireland is to publish the Bill in Q1 2012)</li> </ul>	<p><b>Reforming Bankruptcy Legislation</b></p> <p>The Personal Insolvency Act 2012 provides for a radical new framework to address personal debt and will introduce the following new non-judicial debt resolution processes, subject to relevant conditions in each case:</p> <ul style="list-style-type: none"> <li>• a Debt Relief Notice to allow for the write-off of qualifying debt up to €20,000 subject to a three-year supervision period;</li> <li>• a Debt Settlement Arrangement for the agreed settlement of unsecured debt;</li> <li>• a Personal Insolvency Arrangement for the agreed settlement of secured debt up to €3 million and unsecured debt.</li> </ul> <p>The Act also continues the reform of the Bankruptcy Act 1988, begun in the Civil Law (Miscellaneous Provisions) Act 2011. This will include the introduction of automatic discharge from bankruptcy, subject to certain conditions, after 3 years in place of the current 12 years.</p> <p>A Director Designate of the Insolvency Service was appointed in October 2012 with responsibility for operational matters concerning the Act.</p>

## Regulatory Frameworks

Actions	Progress
<p>Legislate for independent regulation of the legal profession and transparency of legal costs in accordance with EU/ECB/IMF commitments (The Legal Services Regulation Bill 2011 was published by Government in October 2011 – see <a href="http://www.oireachtas.ie">www.oireachtas.ie</a> )</p>	<p><b>The Legal Services Regulation Bill 2011</b> was published on 12 October 2011. The Bill meets a key commitment in Programme for Government and in the EU/IMF Programme of Financial Support for Ireland. There are four key elements of reform at the core of the Bill:</p> <ol style="list-style-type: none"> <li>1) provide for independent regulation of the legal profession through the establishment of Legal Service Regulation Authority</li> <li>2) provide for an independent complaints system to deal with public complaints including those relating to professional misconduct.</li> <li>3) promote transparency in relation to legal costs and for the establishment of an Office of the Legal Costs Adjudicator;</li> <li>4) allow greater competition and reduce costs by legislating for Alternative Business Models that already exist in England, Wales, Scotland, Australia, Germany, Netherlands and Canada.</li> </ol> <p>During the year, consultations and work on the Bill continued in preparation for Committee Stage.</p>
<p>Establish a Property Services Regulatory Authority</p>	<p>The Property Services Regulatory Authority was formally established on 3 April 2012 and a Chairperson and ten ordinary members were appointed to the Authority. The Authority has statutory responsibility for the publication of residential property sales prices and the establishment of a Commercial Leases Database.</p> <p>In May 2012, the Minister sought expressions of interest from suitably-qualified persons for membership of the Property Services Appeal Board. Members of the Appeal Board were appointed by the Government on 24 July 2012.</p> <p>The Property Services Regulatory Authority published the Residential Property Price Register on the 30 September. The purpose of the Register is to improve the quality of information available on the Irish housing market by requiring that the selling prices of all dwellings is recorded in a publicly available, national housing price database.</p>
<p>Promote better regulation, including of gambling</p>	<p><b>Casino and Gaming Control</b></p> <p>Work continued on the preparation of legislation to modernise the law on gambling.</p> <p><b>Charities Regulation Unit</b></p> <p>Most of the provisions of the Charities Act 2009, which provides for regulation of the charities sector, have yet to be brought into force due to the challenges facing the Exchequer. During 2012 legal advice on issues pertaining to the Act and the associated need for an independent regulator was requested and obtained. A public consultation paper on key issues pertaining to the implementation of the Charities Act on a low cost and phased basis was prepared in late 2012, with a view to the initiation of a wide-ranging consultation process in early 2013.</p>

## Other Developments in 2012:

### Internet Safety and Awareness

In 2012 the Office for Internet Safety (OIS) of the Department [www.internetsafety.ie](http://www.internetsafety.ie) maintained its programme of activities aimed at in particular raising awareness of child pornography and cyberbullying.

Governance	
Actions	Progress
Implement effective governance of justice and equality agencies to ensure that they deliver on their mandates within allocated budgets and that they co-operate with each other on shared goals	<p><b>Internal Governance</b></p> <p>The Secretary General of the Department is the senior civil servant and non-political head of the Department. The Secretary General is charged with the Department's day-to-day management and with its non-political strategic planning and direction. In this regard, he is assisted by the Department's Management Advisory Committee (MAC) which he chairs and which is composed of the Assistant Secretaries and other senior officials. The MAC met regularly during the year.</p> <p>The Secretary General is also the Department's Accounting Officer and in this capacity is responsible for safeguarding the funds under its control and the propriety of procurement and other financial transactions, as well as for economy and efficiency in the administration of the Department generally. There are active Audit, Financial Management and Risk Committees to support these functions.</p> <p><b>Code of Practice for Governance of State Bodies</b></p> <p>A verification procedure is in place to confirm compliance with the requirements of the Code of Practice for the Governance of State Bodies (2009) and this was completed satisfactorily in respect of the bodies to which it applies.</p> <p><b>Audit Committee</b></p> <p>The Audit Committee's remit extends to Votes 24 (Justice) and 21 (Prison Service) for 2012. The level of expenditure is approximately €700 million with some 5,533 staff employed across the two Votes in 2012. The role of the Audit Committee includes advising the Secretary General on the adequacy and effectiveness of the systems and internal controls operating within the Department. The Committee is made up of 5 members, 4 members are independent of the Department and 1 member acts as the Department's representative.</p> <p>The Department's Internal Audit Unit carries out audits as approved in the annual audit work programme. The reports highlight any issues and recommended actions. A decision was taken to outsource specific blocks of work to ensure that there is adequate audit coverage of key areas and to support the audit function in reviews of specialist areas. The Internal Audit Unit carry out an annual review of internal financial</p>

controls in both Justice and the Irish Prison Service and a positive assurance was given in respect of the systems for 2012.

**Financial Management**

Financial Management constitutes a major facet in the effective and efficient management of the Department's financial resources. The Financial Management Unit has contributed to the implementation of cost saving strategies in 2012 to ensure alignment with and adherence to the Government's budgetary strategy. The Value for Money Review programme, coordinated by the Unit, published the Review of the Legal Aid Board and commenced a Value for Money Review of the Garda Youth Diversion Projects during 2012.

**Prompt Payment of Accounts Act 1997**

In accordance with the Prompt Payment of Accounts Act 1997, the following information is provided in respect of the financial period ending 31 December 2012 -

**(a) Payment Practices**

The Department makes payment to suppliers in accordance with the terms specified in the respective invoices or conditions specified in individual contracts, if appropriate. Since 2002 the standard terms are 30 days.

**(b) Late Payments**

<i>Invoice Amount</i>	<i>No. of Invoices</i>	<i>Amount of Interest Paid</i> €
Under €317	101	€2,283.91
Over €317	52	€2,473.96
Total	153	€4,757.87

(c) Overall percentage of late payments to total payments and total interest paid

The overall percentage of late payments to total payments was 0.26%

The total amount of interest paid with respect to late payments was €4,757.87

**Freedom of Information**

A total of 594 requests were processed under the Freedom of Information Act 1997 (as amended), of which 76% were for personal information from staff and clients of the Department and approximately 24% were from journalists, businesses and other groups.

## Organisational Change and Development

<b>Actions</b>	<b>Progress</b>
Maintain front-line justice and equality services with reduced staff numbers and	<p><b>Departmental Structures</b></p> <p>The Department re-organised its internal structures during the year to support the Strategy Statement 2011 -2014 and, in particular to promote an integrated approach to the Criminal Justice system. Special emphasis is being placed on the business planning process and risk</p>

resources through transformation of work practices	<p>management, together with a review of resource allocation across the Department which is currently underway. The revised organisation chart is shown in Appendix 3.</p> <p><b>Integrated Reform and Delivery Plan</b>  The Department's Integrated Reform and Delivery Plan was finalised in March 2012 and is a sector-wide programme that is aligned with the Public Service Reform Plan, which was published in November 2011.</p> <p>The Integrated Plan involves over 50 projects across the Justice and Equality sector, covering the Department and its agencies including An Garda Síochána, the Irish Prison Service, the Courts Service, the Irish Naturalisation and Immigration Service (INIS) and others. It also covers the Department's contribution to cross-cutting reforms in relation to the development of shared services and procurement which are being led by the Department of Public Expenditure and Reform.</p> <p><b>Public Service (Croke Park) Agreement</b>  All of the provisions of the Croke Park Agreement across the Justice and Equality Sector were either completed or were being actively implemented at year-end, as provided for in the Agreement. Details of Progress Reports are available on the Department's website and those of the individual agencies concerned.</p>
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## Other Developments in 2012:

### IT Division

IT services are provided via a 'shared services' model, managed by IT Division and supported on an outsourced basis. An availability rate of 99.9% was achieved for services in 2012 which were provided to:

- approximately 1,800 customers in the core Department and across 27 associated Justice and Equality sector agencies;
- more than 300 Department of Foreign Affairs staff across a number of national and international locations; and,
- the Irish Youth Justice Service (Department of Children and Youth Affairs) and the Equality Tribunal (Department of Jobs, Enterprise & Innovation).

Websites developed in 2012 include: CPS online directory (White Paper on Crime Division), Bravery Awards, the Office of the Refugee Applications Commissioner website and the Blue Blindfold website (Anti-Human Trafficking Division). The PSRA Property Price Register, an online system for displaying house prices which went live in 2012 was also developed by IT Division.

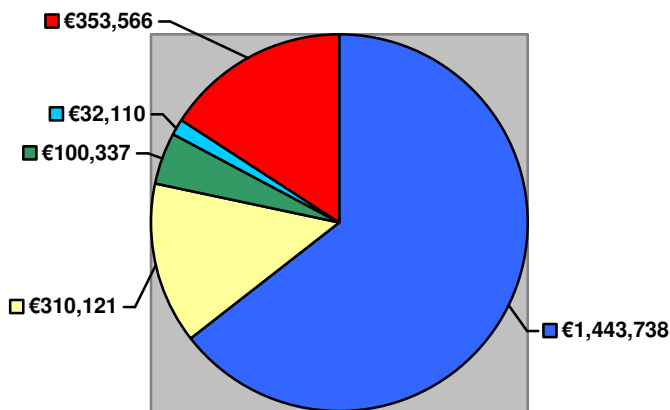


FINANCIAL TABLES

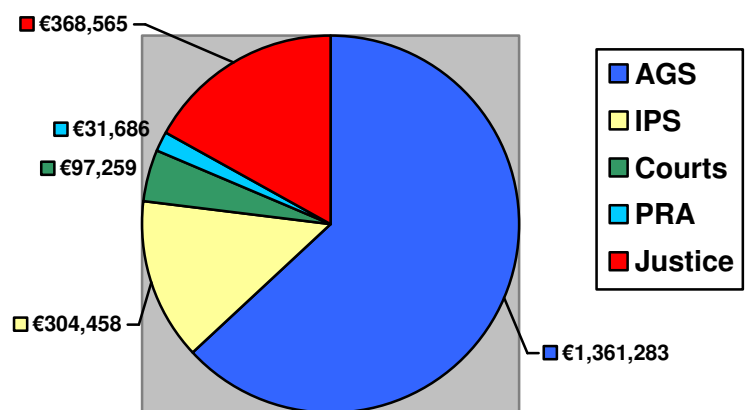
**Justice Vote Group Budget 2013**  
(source- Revised Estimates for Public Services 2013)

**Gross Expenditure Current**

**2012 Provisional Outturn  
€000**

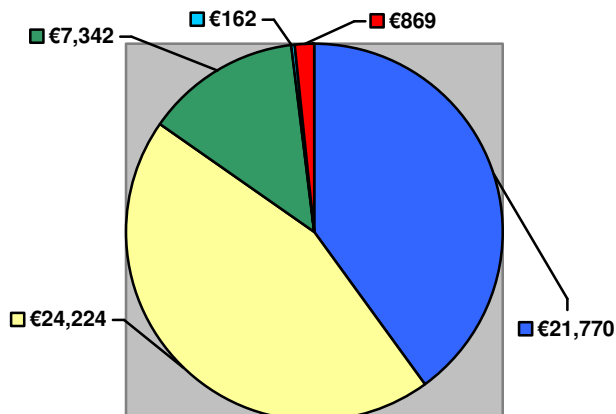


**2013 Budget  
€000**

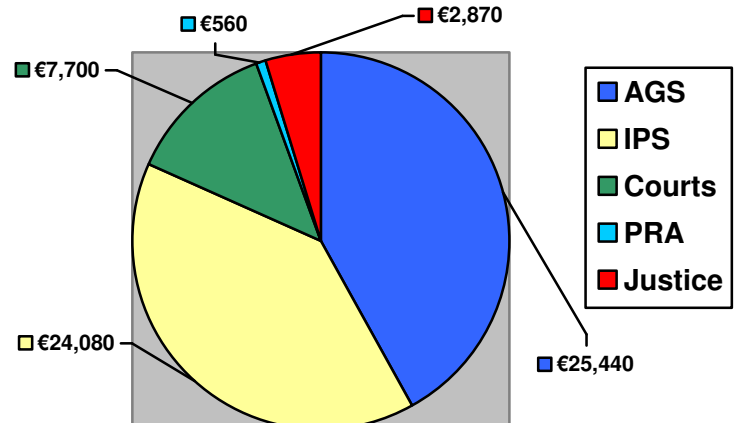


**Gross Expenditure Capital**

**2012 Provisional Outturn  
€000**



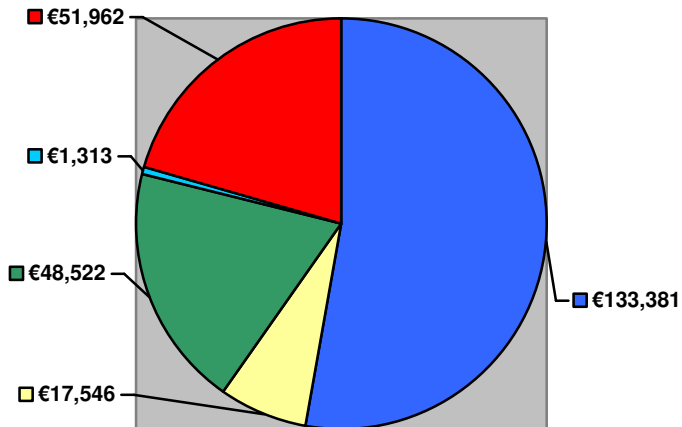
**2013 Budget  
€000**



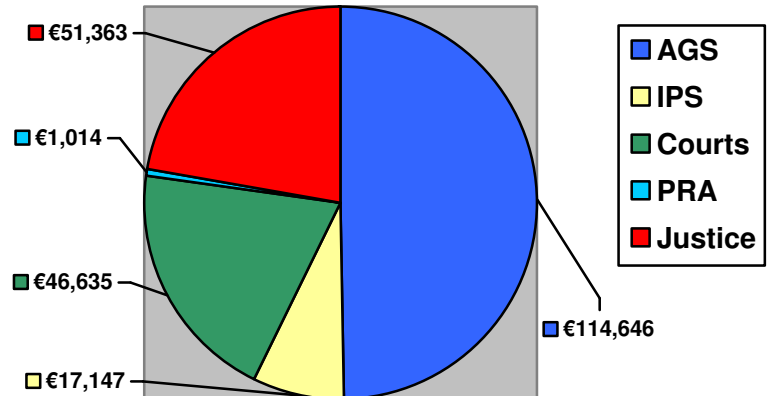


## Appropriations in Aid

2012 Provisional Outturn  
€000

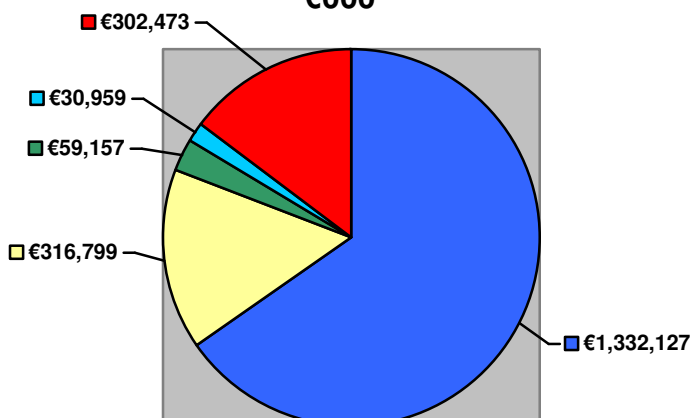


Budget 2013  
€000

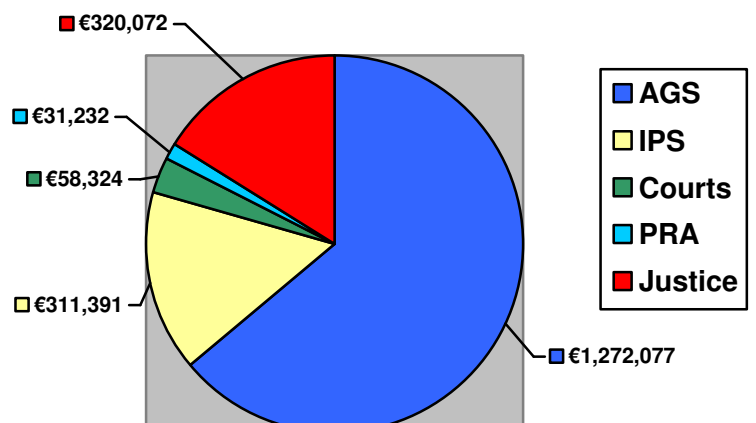


## Net Expenditure (Current and Capital)

2012 Provisional Outturn  
€000



Budget 2013  
€000



## Appendix 2

