



# DEPARTMENT OF JUSTICE AND EQUALITY

## ANNUAL REPORT 2011

*Working for a Safer, Fairer, Ireland*



## CONTENTS

<b>Foreword by the Minister</b>	<b>3</b>
<b>Introduction by Secretary General</b>	<b>4</b>
<b>Overview</b>	<b>5</b>
<b>Strategy Development</b>	<b>6</b>
<b>Tackling Crime</b>	<b>8</b>
<b>Integrated Justice System</b>	<b>13</b>
<b>Community Policing Models and Partnership</b>	<b>18</b>
<b>Equality and Integration</b>	<b>20</b>
<b>Immigration</b>	<b>25</b>
<b>Tackling Human Trafficking, Domestic, Sexual and Gender-based Violence, and Misuse of Drugs, including Alcohol</b>	<b>29</b>
<b>North-South and International Co-operation</b>	<b>31</b>
<b>Legislative Frameworks and Instruments</b>	<b>34</b>
<b>Regulatory Frameworks</b>	<b>38</b>
<b>Governance</b>	<b>40</b>
<b>Organisational Change and Development</b>	<b>42</b>
 <i>Appendix 1</i> <i>Organisation Chart</i>	 <b>45</b>
 <i>Appendix 2:</i> <i>Financial Tables</i>	 <b>46</b>

## **FOREWORD BY THE MINISTER**

The Annual Report for 2011 records the work of the Department of Justice and Equality in 2011.

This Government came into Office on 9 March 2011 with a mandate for change. As Minister for Justice and Equality, it is my duty to bring this mandate forward in this Department which covers a broad and complex area of responsibility ranging from policing to prisons, probation and courts to immigration and equality.

This Report sets out the progress that has been made in 2011 across the range of our Programmes such as tackling crime, developing the justice system, enacting legislation to improve the criminal and civil law, promoting equality and diversity and driving organisational reform.

It is a significant agenda and while I am satisfied with the pace of the progress that has been made, serious challenges remain as we seek to maintain essential front-line services against the backdrop of reducing resources. I am grateful to all the organisations in the sector and their staff for their co-operation with the reform agenda and for their commitment to the public services they provide.

I know that I can count on the support and assistance of all those involved in the sector as we continue to work to achieve our goals on behalf of all the people of Ireland - a safer, fairer Ireland.

Alan Shatter, TD  
Minister for Justice and Equality

July 2012

## **INTRODUCTION BY THE SECRETARY GENERAL**

I am pleased to introduce this Annual Report of the Department of Justice and Equality for 2011. It is my first Annual Report since my appointment as Secretary General in August 2011.

I want firstly to pay tribute to my predecessor, Mr Seán Aylward, whose work over the previous 7 years has contributed significantly to the Department being fit for the challenges that we now face in a drastically changed financial environment. I also want to pay tribute to the staff of the Department and in the wider Justice and Equality sector, with whom the further development of the partnership approach is going to be fundamental to our efforts to deliver on our mandate, as budgets reduce further.

Our new Strategy Statement 2011-2014 was published in March 2012, having been developed over the summer of 2011. This Report records the progress that has been made under that Strategy. I am satisfied that a good start has been made. As always, challenges remain – but as a Department, our commitment to the goal of a safer, fairer Ireland will be unrelenting. I look forward to working with the staff in the Department, and with our partners across the sector, on the implementation and further development of our Strategy.

Brian Purcell  
Secretary General

July 2012

## OVERVIEW

The Department of Justice and Equality is responsible for a broad range of public administration concerns which go to the heart of what is vital in a democratic society – these touch on aspects of national life as diverse as 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, and the promotion of justice and equity.

On the international front, the Minister and the Department 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.

In March 2011, the Government, reflecting priorities in its Programme for Government 2011 - 2016 decided to reconfigure Departmental responsibilities. The changes made in respect of this Department involved the resumption of responsibility for equality, disability, integration and human rights matters, which under the previous administration had been transferred to the Department of Community, Equality and Gaeltacht Affairs on 1 June 2010. The Department also assumed responsibility for the regulation of charities on 1 May 2011. The changes also involved the transfer of responsibility for the coordinating and detention aspects of the Irish Youth Justice Service (IYJS) to the Department of Children and Youth Affairs, while the Department retains responsibility for youth crime policy and community programmes. The Children Act 2011 is still a matter primarily for the Minister for Justice and Equality and the IYJS is staffed from both Departments.

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 2010, the total ECF for the sector was 24,078 while at end 2011, the ceiling was 23,348.

There were approximately 318 staff working in the Head Office areas of the Department at the end of 2011. In addition there were approximately 180 staff working in Financial Shared Services and approximately 612 staff working in the Irish Naturalisation and Immigration Service and related agencies.

Across all its Votes the Department was responsible for a budget of €2.43billion in 2011 which compares to a budget of €2.49billion in 2010 (see also Appendix 2).

## STRATEGY DEVELOPMENT

### Policy context: reflecting the Programme for Government

The Government was appointed on 9 March 2011. Having regard to the policy context set out in the Programme for Government 2011-2016, the Department during the year developed a new Strategy Statement 2011-2014 which aims to set out concisely our priorities for the coming year, having regard to the resources available. This was published in March 2012 and is available at [www.justice.ie](http://www.justice.ie)

The development of the Strategy Statement took the following approach:

#### Focus

- 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.

It set the following goals for the period to 2014:

- maintain a secure Ireland
- work for safe communities
- facilitate the provision and administration of justice
- promote equality and integration
- represent Ireland’s interests in the above spheres in EU and other international organisations
- contribute to economic recovery.

We have put the following programmes in place to achieve these goals.

#### Our programmes:

- 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*.

We report on these programmes in the remainder of this Annual Report.

## **TACKLING CRIME**

The aim of the Department is to put in place a policy direction and framework for tackling crime including prevention, intervention and enforcement measures, and money laundering.

### **Crime Statistics**

The Central Statistics Office statistics for 2011 showed that there was a decrease in 11 of 14 crime groups in 2011, compared with 2010, including a 26.4% reduction in murders. The reduction in the number of murders reflects, in part, a reduction in the number of gang related killings in 2011 against a backdrop of significant enforcement and legislative measures to tackle and disrupt serious organised crime.

There was also a downward trend in dangerous driving offences. The reductions in dangerous driving causing serious harm (down 33.3%) and driving while over the legal alcohol limit (down 15.6%) are in keeping with other positive trends in road safety, notably the reduction in the number of deaths on the roads.

There were reductions in public order offences (down 10.8%), drug offences (down 11.5%) and criminal damage (down 9.1%). The position with respect to property offences, however, was mixed. There was an increase in burglary (up 7.9%) and fraud offences (up 6.3%). The crime statistics are available on the CSO website [www.cso.ie](http://www.cso.ie)

### **White Paper on Crime**

Consultations on the development of the White Paper on Crime commenced in 2009. The White Paper is expected to be published during 2012 and will be the outcome of this national consultation process. This has provided an opportunity to take stock of Ireland's response to crime and its contribution to community safety against the backdrop of changes in Irish society. Issues examined have included crime prevention, the role of criminal sanctions, tackling organised and white collar crime, as well as the relationship between the community and the criminal justice system. It is intended that the White Paper will incorporate a National Anti-Crime Strategy, to act as a policy framework for future responses to crime.

### **Organised Crime**

During 2011 the work of the Expert Group established to review the Proceeds of Crime legislation continued. The outcome of the review will inform proposals which the Minister proposes to bring forward in due course in the Criminal Justice (Proceeds of Crime) Bill. In addition to the work of the Expert Group a more general review of the legislation targeting the proceeds of crime is now underway having regard to a European Commission proposal, published in March 2012, on the freezing and confiscation of proceeds of crime and the recommendations concerning asset recovery contained in the Planning Tribunal Final Report.



In addition, work commenced during 2011 on a review of the provisions of the Criminal Justice (Amendment) Act 2009 in regard to organised crime. This work is ongoing during 2012.

The 2010 Annual Report for the Criminal Assets Bureau was published in November 2011. The Report sets out the activities undertaken in 2010 by the Bureau in tackling the proceeds of crime.

## **White Collar Crime**

The main purpose of the Criminal Justice Act 2011 is to facilitate the more effective investigation of white collar crime and to reduce associated delays. The Act allows for the suspension of detention where persons are being questioned by the Garda Síochána in relation to relevant offences so that further investigations can be conducted during the suspension period. The Act provides for new procedures to facilitate access by the Gardaí to essential information, documentation and electronically held information to assist in current and future investigations of white collar crime. The Act also renders it a criminal offence to fail to furnish to the Gardaí information which could prevent the commission of white collar crime or assist the Gardaí in an investigation into white collar crime. It also introduces important new measures to protect whistleblowers. The Act will provide vital assistance to the Gardaí in the completion of current investigations as well as providing assistance to them in investigations undertaken in the future. The provisions of the Act relating to the investigation of white collar crime came into operation on 9 August 2011.

## **Anti Money Laundering**

Increasing globalisation of the financial and business sectors and the increased sophistication of money laundering methods pose a particular challenge to the criminal justice system. The internationalisation of a significant element of criminal activity adds to that challenge.

The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 is a transposition of the Third EU Money Laundering Directive (2005/60/EC) and came into law on 15 July 2010. The Minister for Justice and Law Reform is now a “competent authority” and the legal obligations of the Act are enforced by staff from the Anti-Money Laundering Compliance Unit (AMLCU). The Unit has responsibility for approximately 5,000 businesses across a range of different sectors. Compliance is administered on a risk analysis basis and inspectors carry out compliance inspections of designated persons in each relevant business sector. Experience to date would indicate that businesses are responding well to the requirements of the Act and a good percentage have Customer Due Diligence policies and procedures in place including suspicious transaction reporting and staff training to protect themselves from the threat of money laundering and terrorist financing.

The AMLCU has a range of information for designated persons including all of the requisite forms on its website <http://www.amlcu.gov.ie>. The Unit regularly liaises with other competent authorities as part of its ongoing desktop compliance monitoring.

- The Act places a number of obligations on certain businesses to guard against money laundering and terrorist financing and includes requirements to identify customers/beneficial owners, to report suspicious transactions to An Garda Síochána and the Revenue

Commissioners and to have procedures in place to provide for the prevention of money laundering and terrorist financing.

- The Act contains provisions requiring persons to obtain authorisation from the Minister in relation to the business of a Trust or Company Service Provider (TCSP). In this regard – 43 TCSP's were added to the Authorised TCSP Register in 2011 bringing the total number authorised to 220.
- The Act provides that any person who directs Private Members' Clubs at which gambling activities are carried on must register with the Minister in respect of those activities. In this regard, 6 further persons were placed on the register bringing the number of Private Members' Clubs to 27 in 2011.
- Approximately 370 compliance inspections of High Value Goods Dealers (HVGDs), Trust or Company Service Providers (TCSPs) and Private Members' Clubs were carried out in 2011.

## **Victims of Crime**

The Commission for the Support of Victims of Crime allocated €1,166,548 to 46 voluntary sector organisations providing front-line services for the support of victims of crime in 2011. A total of 13,874 victims were assisted through this funding, an increase of 14% over 2010.

The Victims of Crime Consultative Forum held two meetings in 2011. The first meeting, which was held in April, looked at how the sector can organise itself to work more closely together so that services are delivered more effectively for and with victims. The second meeting, held in October, continued the focus on co-operation and collaboration between the funded organisations. It also provided organisations with an opportunity to have an input into the drafting of proposed victims legislation.

Also during 2011, officials from the Victims of Crime Office took an active part in negotiations of a proposed Directive of the European Parliament and of the Council that seeks to establish minimum standards on the rights, support and protection of victims of crime.

## **Firearms**

As at 31 December 2011, there were 300 firearms dealers on the Register of Firearms Dealers. A total of 222 of these are registered to trade in firearms and ammunition (including 84 with authorisation to trade in restricted firearms) and a further 78 firearms dealers are registered to trade in ammunition only. In 2011, 931 applications for the importation of firearms and ammunition were processed.

The Firearms (Authorisation of Rifle or Pistol Shooting Ranges) Regulations came into force in 2011. This Statutory Instrument sets out minimum standards for the design, construction and maintenance of rifle and pistol target shooting ranges. It also provides for the minimum standards that the owner or operator of a rifle or pistol target shooting range must comply with in order to be granted an authorisation for the operation of such a shooting range.

## **Explosives**

During 2011, over 510 licence applications for the importation of explosives (including commercial explosives, deemed substances and fireworks) were processed.

## **International Co-operation in fight against Crime**

In 2011, Ireland received 385 European Arrest Warrants and issued 71 warrants to other Member States of the EU. The total number of warrants dealt with in 2011 was 456 (424 in 2010).

In 2011, Ireland received 551 requests for mutual legal assistance in criminal matters. Assistance sought included the taking of evidence, searches, confiscation of assets and service of judicial documents. Ireland sought assistance in 143 cases.

## **Investigations, Tribunals and Inquiries**

### The Commission of Investigation Report into the Catholic Diocese of Cloyne

The Cloyne Report dealt with the handling by church and State authorities of child sex abuse allegations in the diocese of Cloyne between 1 January 1996, and 1 February 2009. The Report consists of 27 chapters and relates to 19 priests against whom complaints were made. In April 2011, the High Court allowed for the publication of the Report subject to the deletion of certain references.

On 13 July 2011, the Commission of Investigation Report into the Catholic Diocese of Cloyne was published. In response to the Report, a comprehensive range of measures designed to address not just the type of problem highlighted by the Commission's report on Cloyne but to provide the foundation for an immeasurably strengthened system of child protection was brought forward. These measures include: the Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Bill; the National Vetting Bureau Bill and revised Children First National Guidelines which, following the Government decision, will be placed on a statutory footing.

Following a decision of the High Court on 16 December 2011, the redacted parts of the Cloyne report were published on 19 December 2011.

### Moriarty Report

The Moriarty Report was published on 18 April 2011. It was then referred to the Director of Public Prosecutions, An Garda Síochána and the Revenue Commissioners.

### Smithwick Tribunal

A report by the Smithwick Tribunal was made to the Clerk of the Dáil on 30 June 2011 in line with motions passed by the Oireachtas in early June.

On 18 October the Government approved the proposal of the Minister for Justice and Equality to put motions to the Houses of the Oireachtas to amend the terms of reference of the Smithwick Tribunal of Inquiry in line with the request from the Tribunal Chairman conveyed to the Clerk of Dáil Éireann on

5 October 2011. This required the Tribunal to present a further interim report by 9 March 2012 and to conclude its inquiries and present its final report by 31 May 2012.

### Magdalene Laundries

The Minister initiated the first substantive response by Government to address the issue of the circumstances of the women and girls who resided in the Magdalene Laundries. On the Minister's proposal, agreed by Government, the following has taken place:

- An Inter-Departmental Committee has been established, chaired by Senator Martin McAleese, to establish the facts of State involvement with the Magdalene Laundries, to clarify any State interaction, and to produce a narrative detailing such interaction. Senator McAleese had been asked to provide an initial progress report within three months of the Committee commencing its work. On 25 October, 2011, the Minister published the interim progress report of the Inter-Departmental Committee set up to establish the facts of State involvement with the Magdalene Laundries.
- The Minister and the Minister of State with responsibility for Disability, Equality, Mental Health and Older People, Kathleen Lynch TD met with the four religious congregations and representatives from Justice for Magdalene, Magdalene Survivors Together and London Irish Survivors who represent former residents of the Magdalene Laundries. Their discussions included addressing the following matters:
  - The making available by the congregations all records maintained by them with regard to the residents of the Magdalene Laundries to enable all available information about former residents to be shared with them and also made available for appropriate research purposes.
  - The provision of information concerning the number of persons currently residing with or in the care of the religious congregations who originally commenced such residence in the Magdalene Laundries and who have remained in their care.
  - To discuss the putting in place of a restorative and reconciliation process and the structure that might be utilised to facilitate such process.

### **Garda Vetting**

Additional staffing resources were provided for the Garda Central Vetting Unit in Thurles to assist in tackling a backlog in Garda Vetting applications. At the time of the Minister's appointment it took an average of 12 weeks to determine vetting applications. This timeline had been reduced to an average of 2 weeks by the end of 2011.

## INTEGRATED JUSTICE SYSTEM

The aim of the Department is to set the strategic direction for an integrated justice system and support all elements of the system; in particular, continue to provide safe, secure and humane custody for those committed to prison by the courts, as well as developing alternatives to custody and alternative dispute resolution mechanisms.

### **Garda Síochána**

In accordance with the provisions of the Garda Síochána Act 2005, the Minister's priorities for the Garda Síochána were incorporated into the Garda Síochána Policing Plan 2011. The Plan, which is available on the Garda Síochána website, [www.garda.ie](http://www.garda.ie) contains key actions and performance indicators for effective policing.

### **Garda Síochána Inspectorate**

The Department asked the Garda Síochána Inspectorate to revise its report, *Responding to Child Sexual Abuse*, to take account of the *Commission of Investigation Report into the Catholic Diocese of Cloyne* and the revised report from the Inspectorate was published in February, 2012. During 2011, the Inspectorate continued its work on investigations into (i) *the allocation of Garda resources to crime investigation and the prosecution of crime*, and (ii) *front-line supervision*. Progress on the implementation by the Garda Síochána of recommendations made by the Inspectorate is available on the Inspectorate's website, [www.gsinsp.ie](http://www.gsinsp.ie). The contract for Ms Kathleen O'Toole, Chief Inspector in the Garda Síochána Inspectorate, was extended in 2011 pending the recruitment of new members to the Inspectorate in 2012. Mr Simon O'Brien resigned as a member of the Inspectorate in December 2011 to take up an appointment as Chairperson of the Garda Síochána Ombudsman Commission.

### **Garda Síochána Ombudsman Commission**

As required by the Garda Síochána Act 2005, the 2010 Annual Report of the Garda Síochána Ombudsman Commission and their first Five Year Report were laid before the Houses of the Oireachtas. The Ombudsman Commission also reported separately to the Minister during the year in respect of referrals by the Garda Commissioner concerning incidents where the conduct of a members of the Garda Síochána may have resulted in the death or serious harm to a person and public interest investigations (under section 102 of the 2005 Act). See [www.gsoc.ie](http://www.gsoc.ie) for further information on the work of the Ombudsman Commission. New members were appointed to the Ombudsman Commission in December 2011 for a five year term. Mr Simon O'Brien was appointed as Chairperson and Ms Carmel Foley and Mr Kieran FitzGerald were appointed as members.

## **Garda Síochána Complaints Board**

All of the complaints involving the Garda Síochána Complaints Board except two cases had been finalised by year end. When the two remaining cases have been finalised, the Minister will make an order winding up the Board.

## **Confidential Recipient**

Mr Oliver Connolly was appointed as Confidential Recipient for three years with effect from 18 July 2011. The role of the Confidential Recipient is to receive in confidence reports of corruption or malpractice within the Garda Síochána from Garda members or civilian employees. While the Confidential Recipient held a number of meetings with confidential reporters during the year, none of the allegations received were submitted to either the Garda Commissioner or the Minister in 2011 as work on these matters was ongoing.

## **OTHER MATTERS**

### **Judges Remuneration**

Legislation to provide for the Referendum on judges pay was published on 4 August and, following the passing of the referendum on the 29<sup>th</sup> Amendment of the Constitution on 27 October with a majority of 79.74%, it was signed by the President on 17 November 2011. This provided the legal basis to apply to the judiciary the same pension levy and salary reductions that had already been applied across the public service. The necessary implementing legislation (the Financial Emergency Measures in the Public Interest (Amendment) Act 2011) was passed by both Houses and came into effect from 1 January 2012 setting out for new pay rates for serving judges and further reductions for judges appointed in the future.

### **Family Law Maintenance**

The Civil Law (Miscellaneous Provisions) Act 2011 set out new procedures to be followed in the District Court in respect of arrears of maintenance payments. The new legislation granted the court the power to regard as contempt of court the failure by a maintenance debtor to comply with a previous court order and to deal with such breach accordingly, including by means of imprisonment. It came into effect from 2 August 2011.

### **Criminal Legal Aid**

In July the Minister signed regulations imposing a reduction of 10% in the fees payable under the Criminal Legal Aid Scheme. These reductions came into operation on 13 July 2011 for fees payable in respect of cases in the District Court, appeals to the Circuit Court, visits to prisons, for certain bail applications and the Garda Station Legal Advice Scheme. Fees payable to lawyers in the Circuit and higher courts decreased from 1 October 2011 in line with the fees payable by the DPP to prosecution counsel. Payments to professionals engaged by the defence as expert witnesses and to those providing translation and interpretation services were also subject to reductions from 1 October. Expenditure on criminal legal aid during the year amounted to €56.1 million, a slight decrease on 2010 (€56.5million).

On 1 October 2011, responsibility for the administration of the Garda Station Legal Advice Scheme was transferred from the Department to the Legal Aid Board. Drafting work continued on the

Criminal Justice (Legal Aid) Bill which will, inter alia, transfer responsibility for the management and administration of the Criminal Legal Aid Scheme from the Department to the Legal Aid Board.

The Task Force on Cost Reductions on Criminal Legal Aid established by the Minister to identify areas of change which could potentially contribute to costs reductions on criminal legal aid reported in October 2011 and identified a range of measures to be pursued by the various agencies in the criminal justice sector with a view to delivering cost effective solutions.

### **Courts Reforms**

Following the work undertaken by the Task Force on Criminal Legal Aid, a Working Group was established by the Minister and Chief Justice with a wider remit of identifying efficiency measures in the criminal justice system in the Circuit and District Court. The Working Group, the work of which is ongoing, comprises judges from each of the courts as well as senior officials from the Department, the relevant agencies and the Office of the Director of Public Prosecutions and the Attorney General's Office. The Group is assisted in its work by an Advisory Group which includes representatives of legal practitioners.

### **Expert Group on Article 13 of the European Convention on Human Rights**

As a consequence of the decision of the European Court of Human Rights in the case of *McFarlane v Ireland*, an expert group was established by the Minister in May 2011 chaired by Mr. Paul McDermott, S.C. and comprising relevant officials to develop proposals to implement the judgment which found that Ireland was in breach of the requirement under the Convention for an effective domestic remedy in the event of a violation of the right to trial within a reasonable time. During 2011 the group met on 14 occasions and initiated a consultation process. The group is expected to report by summer 2012.

### **Drug Treatment Court**

In order to enable an increased number of people participate in the Drug Treatment Court the catchment area was significantly extended with effect from July 2011 to admit people residing in all areas of Dublin City and County north of the Liffey and people receiving treatment in the Castle Street Drug Treatment centre which provides services to people residing in Dublin 2, 4, 6 and 8.

### **Appointments**

The Hon. Mrs. Justice Susan Denham was appointed Chief Justice on 25 July 2011, the first woman to hold the highest judicial office. During the year two appointments were also made to the High Court, one appointment to the Circuit Court and four to the District Court. Dr. Simon Boucher, Ms. Karen Dent and Dr Valerie Bresnihan were appointed as lay members of the Judicial Appointments Advisory Board for a term of three years with effect from June 2011. A new Courts Service Board commenced a three year term in November 2011, with Mr. Shane Browne, Mr. Pat Doyle and Dr. Deirdre O'Keeffe nominated as required under the provisions of the Courts and Court Officers Act 1995. A new Taxing Master, Mr. Declan O'Neill, was appointed as Taxing Master on 13 December 2011.

### **Interim Judicial Council**

On 18 November 2011 the Minister welcomed the decision by the Judiciary itself to establish a Judicial Council on an interim basis. The Government is taking steps towards establishing a formal

body through the forthcoming Judicial Council Bill. The Judicial Council Bill is currently being drafted by the Office of the Parliamentary Counsel and is due for publication during 2012.

### **Legal Aid Reform**

The functions of the Legal Aid Board were extended under Part 16 of the Civil Law (Miscellaneous Provisions) Act 2011 to include a family mediation service. On 1 November 2011 the Family Mediation Service formally transferred to the Legal Aid Board.

### **Coroners Service**

On the enactment of the Civil Law (Miscellaneous Provisions) Act 2011 on 4th August 2011, the separate coroner districts of Dublin city and county were amalgamated into one district, the coroner's district of Dublin. The coroner for the County of Dublin, Dr. Kieran Geraghty, who became a coroner in this amalgamated district, retired on 7 September. Therefore, with effect from 8 September 2011, all coronial matters in Dublin city and in the county council areas of Dun Laoghaire-Rathdown, Fingal and South Dublin are being dealt with by the coroner for the coroner's district of Dublin, Dr. Brian Farrell and his office at Store Street, Dublin 1. The rationale for the amalgamation is the provision of a more integrated service to bereaved people in Dublin.

### **Review of Prison Development Strategy**

The Thornton Hall Review Group Report was published in August and the Government approved in principle the Report's recommendations. The Review Group concluded that decisive action was required on several fronts to address the problem of overcrowding and poor physical condition, particularly, in Mountjoy and Cork prisons. The construction of new facilities at Thornton Hall and Kilworth were recommended in addition to the introduction of a combination of front-door and back-door strategies to reduce the prison population and a strategic review of all aspects of penal policy.

While the capital allocation available to the Justice Sector for 2012 would not allow the Prison Service to proceed with the construction of Thornton Hall or Kilworth Prisons in 2012, work continued on the completion of a new 300 space wing in the Midlands prison and on a substantial upgrade project in Mountjoy prison. Furthermore, work has commenced on the implementation of other key recommendations including the introduction of an incentivised scheme for earned temporary release.

### **Revision of Prison oversight arrangements**

On 26 July 2011 the Government decided to abolish the Prisons Authority (Interim) Board, which was set up in 1998. The Board, which had a membership of 12 people, was set up by a previous administration to advise on and guide the management of the prison system pending the creation of an independent statutory Prisons Board. The decision to abolish the Board will save more than €100,000 per year. The Inspector of Prisons provides an independent oversight and critique of our prison system and his independence is provided for in the Prisons Act 2007.



Under new proposed arrangements, Visiting Committees will submit their Annual Reports to the Inspector of Prisons who will publish them. At present the Annual Prison Visiting Committee Reports are submitted to the Minister. Visiting Committees will report every two months to the Inspector on any issue that they wish to bring to his attention. They will be able to report any urgent or major issue to him at any time.

Visiting Committees will continue their role of visiting prisons. They will continue to meet with prisoners and liaise on their behalf with prison authorities. But they will be more effective: each Visiting Committee will comprise no more than six members, and only suitable people with a genuine interest in prison issues will be appointed. The Inspector will have independent oversight of their work.

### **Pilot Community Return Scheme**

In order to partially address the current problem of prison overcrowding and the granting of unconditional temporary release to prisoners prior to their becoming eligible for release on remission, a prison pilot scheme (the Community Return Scheme) commenced in October, 2011 for the early release of prisoners, not yet entitled to release by way of remission, who are judged to pose no threat to the community, are of good conduct and have served a substantial portion of their sentence and who agree to undertake supervised Community Service. It is envisaged that 130 prisoners will be released under the scheme. Community Service is a condition of release and failure to undertake the required Community Service results in a prisoner having to complete the outstanding prison sentence. An evaluation of the pilot project will be undertaken after six months following which a decision will be made regarding any future plans.

### **Enhancement of Community Service Orders Scheme**

The Criminal Justice (Community Service) (Amendment) Act 2011 imposes an obligation on the courts when considering imposing a sentence of 12 months or less on a convicted offender to first consider requiring the offender to undertake community service. This measure is intended to bring about a greater use of Community Service Orders to the benefit of local communities and to save taxpayers' money in the context of the cost incurred when convicted offenders serve short terms of imprisonment.

## **COMMUNITY POLICING MODELS AND PARTNERSHIP**

The aim of the Department is to support community policing models and partnerships, including interventions directed at young offenders, as a response to anti-social behaviour and low-level crime.

### **Consolidation and Closure of Garda Stations**

On 5 December 2011, the Minister announced plans, prepared by the Commissioner under the draft policing plan for 2012, for the closure of 31 Garda stations throughout the country and for a reduction in the public opening hours of 10 Garda stations in the Dublin Metropolitan Region. The plan also formally recognised the closure of eight other Garda stations which, while still listed as Garda stations, were already non-operational and will not re-open. Up to this point, there were 703 Garda Stations, 47 of which were in Dublin. An Garda Síochána, like all public service agencies, must introduce new efficiencies so as to make the best possible use of available resources. This will mean focusing resources on frontline operational services. In some cases it will mean using a different model for delivering a policing service to a local community, through a rationalisation of Garda stations and revised patterns of patrols. It is expected that there will be a further consolidation of Garda stations in 2012.

### **Garda Síochána Policing Plan 2011**

The Garda Síochána Policing Plan 2011 was published in January. It set out key objectives for year two of its overall Strategy Statement 2010-2012, identifying a number of key actions including the continued targeting of organised criminality and a renewed focus on crimes against the person and high volume property crime (such as theft and burglary). The Plan also puts a particular emphasis on domestic violence, crimes of a sexual nature, the management of the risks associated with sex offenders and the support and protection of child victims.

### **Joint Policing Committees**

In the context of the commitment in the Programme for Government to build on existing community policing partnerships the Minister initiated a review of the operation of Joint Policing Committees (JPCs). The review is proceeding in partnership with An Garda Síochána and the Department of the Environment, Community and Local Government. A document will be prepared to facilitate consultations with local authorities, JPCs members and other stakeholders on how the operation of the Committees might be improved, with a view to updating the present guidelines.

Local policing fora were established in all Local Drug Task Force areas in accordance with commitments under the National Drugs Strategy 2009 – 2016.

### **Irish Youth Justice Service - Garda Youth Diversion Projects**

Following the change of Government in March 2011, the organisation structure of the Irish Youth Justice Service was changed to reflect a shared responsibility between the Department of Justice and

Equality and the new Department of Children and Youth Affairs. The changes operated on an administrative basis initially with the statutory transfer order taking effect on 1 January 2012.

During 2011, the IYJS continued to work on improving the effectiveness of Garda Youth Diversion Projects (GYDP). Key developments were as follows:

- In 2011 the financial administration of GYDPs transferred to local community based organisations (CBOs) who operate the projects. New funding agreements between IYJS and the CBOs were introduced. This has freed local Garda management from the chore of financial administration and allowed them to focus on project outcomes in terms of crime reduction and prevention.
- GYDP programme development continued with vigour in 2011 including:
  - a risk assessment tool for use with participants was put introduced in 2011 with training provided to all project staff and Garda JLOs.
  - the On-line learning Forum for project staff continued to expand its membership.
  - the number of project trial sites developing best practice models expanded to 15.
  - European Social Fund Human Capital Investment Programme: Qualifying expenditure by projects in 2011 was €3.6 million and a refund of €1.463 million was paid to the Exchequer.
- In 2011 a review of the Young Persons Probation Community Projects was completed and the report published in Autumn 2011.

### **Road Traffic**

The safety camera project achieved full “roll out” in March 2011, with 6,000 hours of speed monitoring and detection and 1,475 speed survey per month across the country, outsourced to a commercial entity "GoSafe". Speed cameras operate on sections of road which have a history of collisions occurring where speed was a contributing factor. The location of these speed enforcement zones are in the public domain and available on the Garda Website. Surveys continue to be conducted to ensure the appropriate deployment of safety cameras on roads which have been identified as the subject of inappropriate speed and where fatal and injury collisions continue to occur.

## **EQUALITY AND INTEGRATION**

The aim of the Department is to co-ordinate, develop and implement policies to promote equality and integration

### **Gender Equality**

The European Union regards gender equality as a prerequisite to economic growth as reflected by the extended European Gender Pact, agreed in June 2011.

Linking also to the Europe 2020 Agenda, as appropriate, Member States are encouraged in the Pact, inter alia, to take measures to close the gender gaps and combat gender segregation in the labour market; to promote better work life balance for women and men and to tackle all forms of violence against women.

Most recently, the Commission focus has also included women's role in economic decision-making.

#### National Women's Strategy 2007-2016

The implementation of the National Women's Strategy 2007-2016 (NWS) is overseen by the NWS Monitoring Committee, which is chaired by the Minister of State with responsibility for Equality and includes representatives from relevant Government Departments and Agencies as well as the Social Partners and the National Women's Council of Ireland. The NWS Monitoring Committee met in 2011 and its third Progress Report was published in late 2011.

The Department also started work on an interim review of the Strategy to ensure that it remains pertinent to the changing environment.

The Department also contributes to the national policy development work of a range of Departments which impact upon the lives of women.

#### Women and decision-making

During 2011, a Sub-Committee of the NWS Monitoring Committee, also chaired by the Minister of State, worked on the issue of women in decision-making under the following headings:

- women in management roles in the private and public sectors,
- women's participation on State and corporate boards,
- strengthening women in political decision-making,
- women in the diplomatic service and
- women in the judiciary.

The report of the Sub-Committee will be finalised in 2012.

### Women in political decision-making

On 16 December 2011, Minister of State for Equality Kathleen Lynch T.D. announced preliminary plans to host a major conference entitled “How to Elect More Women”, to take place on 20 January 2012 in Dublin Castle.

### Women on State Boards

In 1993, the then Government set a target of 40% representation for women on State Boards. Progress is monitored by the Department of Justice and Equality.

The 2010 Report, submitted to Government in late 2011 shows that the female membership of State Boards was 34.67% in 2010. This is significantly short of the 40% target which has been restated in the Programme for the Government of National Recovery.

### Positive Action Measures to foster Gender Equality

The Equality for Women Measure 2008 – 2013 (EWM) is a positive action programme for women, which receives European Social Fund support under the Human Capital Investment Operational Programme. To date, the EWM has supported projects under three themes:

- Strand 1 Projects - Activities to support women who are returning to or preparing for work;
- Strand 2 Projects - Training to develop women entrepreneurs; and
- Strand 3 Projects - Training for the advancement of women in the workplace.

Following an open call for applications, a total of 42 projects were awarded funding of up to €50,000 in October 2010. Funding was initially committed to projects up until 30 June 2011. In May 2011, all EWM funded groups who had delivered their initial projects in accordance with their plans were invited to apply for additional funding under Year 2 of the Measure, for the period 1 July 2011 to 30 April 2012.

Over 2,100 women availed of training under Strand 1 during 2011, while nearly 900 women availed of entrepreneurship training and development initiatives last year. Total expenditure during the year was nearly €2.3 million, of which half comes from the European Social Fund.

### International Work on Gender Equality

As mentioned previously, the European Union agreed a new Gender Equality Pact in 2011. This was incorporated into Council Conclusions, agreed under the Hungarian Presidency. The Department works closely with the European Commission and other Member States on a range of topics relating to gender equality.

In 2011, Gender Equality Division was also actively engaged in Council Conclusions at EPSCO; the EU Advisory Committee on Equal Opportunities for Women and Men; the EU High Level Group on Gender Mainstreaming; the Steering Committee on Gender Equality in the Council of Europe and the UN Commission on the Status of Women.

## **Traveller Community**

The High Level Group on Traveller Issues chaired by Minister Kathleen Lynch continued with their work programme to ensure more integrated service delivery and enhanced communication among Travellers.

## **Disability Equality**

### National Disability Strategy (NDS)

A National Disability Strategy Implementation Group chaired by the Minister Lynch was set up to draft an implementation plan for the NDS and to monitor its implementation going forward. The Implementation Plan will be published in 2012.

### Ratification of the UN Convention on the Rights of People with Disabilities (UNCRPD)

The Interdepartmental Committee chaired by the Disability Policy Division are progressing through a planned programme of work and with assistance from the National Disability Authority are helping Government Departments to identify actions which they will need to put in place in order to ensure that Ireland will be in compliance with the UNCRPD when ratified.

Disability awareness-raising initiatives were undertaken to highlight issues facing people with Disabilities in their everyday lives including an awareness project on the Participation of People with Disabilities in Sport and Physical Activity to mark International Disability Awareness Day December 3, 2011.

## **Migrant Integration**

The Office for the Promotion of Migrant Integration continued to pursue this work in conjunction with other competent bodies. In 2011, the Office paid grants of €181,994 to local authorities, €253,206 to sporting bodies and €806,675 to other national organisations for the purpose of promoting the integration of immigrants. 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 and are ongoing.

### Periodic review of Ireland under UN Convention on the Elimination of All Forms of Racial Discrimination

A periodic review of the state of implementation by Ireland of the UN Convention on the Elimination of All Forms of Racial Discrimination was held in Geneva in February 2011 and was co-ordinated by the Office for the Promotion of Migrant Integration. The examination took place before the UN Committee on the Elimination of Racial Discrimination.

### Selection of Ireland's member to the European Commission against Racism and Intolerance

The Office also co-ordinated the selection process for the nomination of Ireland's member to the European Commission against Racism and Intolerance (ECRI). The position was publicly advertised and expressions of interest were sought from suitably qualified and experienced persons. Mr. Michael Farrell was subsequently appointed as Ireland's representative to ECRI for a five year term with effect from 24 November 2011.

### Update report to European Commission against Racism and Intolerance

An update report on progress on implementation by Ireland of the recommendations made by the Council of Europe Committee of the European Commission against Racism and Intolerance following their last visit to Ireland in 2007 was also prepared and submitted to the ECRI Committee in December 2011.

### Resettlement

Twenty four Sudanese refugees who were living in the Choucha camp in Tunisia were resettled in Ireland in December 2011. Ten persons under international protection in Malta were also admitted to Ireland for permanent resettlement. During 2011, two medical cases whose medical needs could not be met except through resettlement were also admitted along with their families (a total of 10 persons).

### **Recognition of Foreign Civil Partnerships and Gay Marriages**

On 4 December 2011, the Minister made an order under section 5 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 prescribing certain additional registered relationships entered into by same sex couples in other jurisdictions as entitled to be treated as equivalent to civil partnership under Irish law. The Order came into effect on 25 December 2011 and extends recognition to: Civil Partnerships from the Isle of Man, Civil Partnerships from South Africa, Civil Unions from Illinois, USA, Marriages from New York, USA, Domestic Partnerships from Oregon, USA, and Civil Unions from Rhode Island, USA. A total of 39 categories of registered relationships from 32 different jurisdictions are now recognised in Ireland.

### **Human Rights and Equality Commission**

The Government agreed in principle to merge the Irish Human Rights Commission and the Equality Authority into a new Human Rights and Equality Commission. The purpose of this change is to promote human rights and equality issues in a more effective, efficient and cohesive way. The essential objective of this body will be to champion human rights, including the right to equality. It will play a key role in:

- encouraging State authorities to put respect for human rights and equality at the heart of their policies and practices;
- monitoring compliance with international and constitutional human rights standards;
- helping people to understand what their rights are and how to protect them;
- promoting political debate on human-rights and equality issues, in particular by providing consultative opinions on proposed legislation;
- appearing before the superior courts as amicus curiae ('friend of the court') to assist the courts with the interpretation of human rights standards;
- investigating human rights and equality concerns, and
- publishing and promoting research and reports on human rights and equality issues.

On 6 October a Working Group was appointed to advise on the establishment of a new and enhanced Human Rights and Equality Commission.

## **Universal Periodic Review**

Ireland's first review under the process, whereby the domestic human rights records of all 192 members of the United Nations are reviewed every four years, took place on 6 October, 2011.

The Government established an interdepartmental working group, supported by the Department of Justice and Equality to prepare Ireland's first Report under the UPR process. A dedicated website [www.upr.ie](http://www.upr.ie) was launched to provide access to information about the UPR process.

In February 2011 the Government received 120 submissions from individuals, groups and NGOs in response to an advertising campaign. Open public consultation meetings were held in seven accessible community/educational venues around the country to offer members of the public and interested NGOs the opportunity to highlight human rights issues of importance to them. All submissions received and issues raised at the public meetings were considered and informed the preparation of this report.

In July 2011, the Government published the National Report on Ireland's domestic human rights record and it was submitted to the UN High Commissioner for Human Rights based in Geneva, as part of the UPR process.

Minister Shatter represented Ireland on 6 October, 2011 at the Palais des Nations in Geneva in a 3 hour interactive oral dialogue, at which delegations from 49 UN member states made comments and recommendations to Ireland on our report.

Of the 127 recommendations made by member states, Ireland immediately accepted 62, declined to accept 15 and undertook to further examine 50. The National Report, the Report of the Working Group and the Addendum can all be found on the website, [www.upr.ie](http://www.upr.ie)



## **IMMIGRATION**

The aim of the Department is to 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. During 2011 it achieved this through a range of activities including:

### **Naturalisation/Citizenship**

During the year, major reforms were introduced to the processing of citizenship applications aimed at tackling the backlog that had arisen due to the huge increase in the volume of naturalisation applications in recent years – from 1,000 applications in the year 2000 to 27,000 in 2011. The new measures were also introduced with the aim of dealing with almost all new citizenship applications within six months. These measures have resulted in a significant increase in the number of cases decided with double the volume of valid applications being decided in 2011, some 16,150, compared to 2010 when fewer than 7,800 were decided. From mid 2012 all standard applications, i.e. non complex cases accounting for 70% of all applications, will be completed within 6 months.

In 2011 citizenship ceremonies were introduced for the first time in the State. The ceremonies ensure that the granting of citizenship is marked by a sense of occasion for our new citizens. Persons from 112 countries such as the USA, South Africa, Nepal, Korea, China, Australia, Chile, Japan, Philippines, Rwanda, India and Russia attended twenty eight citizenship ceremonies in 2011.

Statutory Instrument 569/11 was introduced on 9 November 2011, which put in place an application fee of €175 for a Certificate of Naturalisation as well as changes to facilitate applicants who are the civil partners of Irish citizens.

### **Joint Statement with the UK on measures to secure the external Common Travel Area (CTA) Border**

The signing by the Minister on 21 December, 2011 of the Joint Statement with the UK Minister of State for Immigration demonstrates the fundamental importance and high priority attaching to the protection of the CTA for both Governments. The Joint Statement provides a strategic way forward for the excellent co-operation that exists between Ireland and the UK in protecting and promoting the Common Travel Area (CTA) including using the opportunities it provides to enhance economic development between the two jurisdictions.

### **Increased number of tourists from countries covered by the Irish Short-stay Visa Waiver Programme**

Ireland's first formal Visa Waiver Programme commenced on 1 July 2011 and was initially planned to run up to the end of October 2012. This programme is an integral part of the Government's Jobs Initiative and is intended to promote tourism, particularly from emerging markets. Under the Programme, tourists or business people from specified countries who have lawfully entered the UK, including Northern Ireland, on a valid UK visa are able to travel on to Ireland without the requirement to obtain an Irish visa. They are permitted to stay in Ireland for up to three months or until their UK visa runs out, whichever is the shorter. The initial feedback from the tourist industry was extremely positive and, as a result, the Minister agreed to bring forward the formal review of the programme from mid-2012 to end-January 2012 [Note: in February, 2012, the Government agreed to the extension of the programme up to end October 2016.]

### **New Pilot Project at Dublin Airport**

The Minister approved a new pilot project which will see staff from the Irish Naturalisation and Immigration Service (INIS) of his Department carry out some of the functions and responsibilities related to immigration control at Dublin Airport. These staff members will work in association with Gardaí in performing this vital function. This project is set against a backdrop of reducing Garda numbers, continued commitment to the civilianisation of appropriate tasks, and the need to look afresh at how public services are delivered. Currently, all immigration control duties at the airport are conducted by members of the Garda National Immigration Bureau (GNIB). The results of the pilot project will inform the potential for extending such an arrangement to the whole of Dublin Airport and other ports of entry in the State.

### **Students**

The New Student Immigration Regime came into operation from 1 January 2011 and is designed to reform the student immigration regime in a manner that is better integrated with Ireland's immigration policy generally while providing a stronger regulatory framework for the sustainable development of the international education sector. Key measures introduced include maximum periods of residence in the State on foot of a student permission and a differentiated approach as between "Degree Programme" courses and those at the "Language or Non Degree Programme" level.

The number of non-EEA national students registered to study in the State in 2011 was approximately 30,500 or 24% of the total number of non-EEA nationals with permission to remain in the State.

Broken down by education sector, 37% of students are pursuing Higher Education (Degree Programme) study, 22% are taking language courses, 32% further education (non Degree) courses and 9% other (e.g. accountancy, secondary school).

### **International Protection and Asylum**

A total of 1,290 new applications for asylum were received in 2011 representing a 33% decrease on the corresponding figure of 1,939 in 2010. The top three countries of origin for asylum seekers were Nigeria, Pakistan, and China which between them accounted for 39% of all applications.

At the end of 2011, some 5,423 persons - a decrease of 684 (11%) from the end of 2010 – were being accommodated in 39 direct provision accommodation centres throughout the country.

### **Deportations/Removals of illegal immigrants**

The removal of illegal immigrants from the State is a necessary feature of the enforcement of immigration legislation with the purpose of upholding the integrity of the immigration system. In enforcing the law in this respect, Ireland is no different to other countries who also remove individuals who have no lawful right to remain within their territory. This is achieved through a series of measures including, those refused entry to the State, Voluntary/ Assisted Returns, transfers to the EU member state of persons who had first applied for asylum under the Dublin Regulation or EU nationals returned to their countries of origin on foot of EU Removal Orders. In 2011, Ireland participated in seven chartered deportation flights, all of which were organised in conjunction with EU agency FRONTEX which co-ordinates removals throughout the EU.

### **Irish Borders Information System (IBIS) - Advance Passenger Information**

The Minister signed the European Communities (Communication of Passenger Data) Regulations 2011 which transposes into Irish law EC Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data. The Regulations require air carriers to provide advance passenger data to Irish Immigration authorities for the purposes of improving border control and combating illegal immigration.

The Regulations will apply to all inbound flights to Ireland from outside the EU and to all passengers on those flights. The Irish Naturalisation and Immigration Service (INIS) are testing a prototype system (IBIS) to inform any decision to build a standing system to receive and process passenger data from airlines.

### **Travel Documents**

The Irish Naturalisation and Immigration Service (INIS) introduced a new format to its Travel Documents during November 2011 in order to conform to current international standards. The new format document is produced in partnership with the Passport Office of the Department of Foreign Affairs and INIS. This document incorporates enhanced security features and utilises shared services between the two Departments.

### **Income**

In 2011, the fee income generated from visa charges, re-entry fees, registration fees, naturalisation and long-term residency and other fees amounted to €29 million.

### **Other Key Figures for 2011**

Overall in 2011, approximately 174,000 new applications i.e. visa, residence, protection and citizenship, were received by Irish Naturalisation and Immigration Service (INIS) and decisions were issued by INIS in almost 169,000 cases (a proportion of decisions issued relate to applications submitted in previous years).

### **Visas**

136,944 Irish visa applications were received worldwide in 2011. Of this total, 83,437 applications were for initial entry visas, and 53,507 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 2011 were India (16%), Russia (13%), China (11%), Nigeria (7%), and Turkey (5%).

### **Registrations**

All Non-EEA nationals remaining in the State for longer than 90 days are required to register with the Garda National Immigration Bureau. At the end of 2011, approximately 128,900 non-EEA nationals had permission to remain in the State. This compares with 133,200 at the end of 2010 and 134,200 in 2009 when registrations of non-EEA nationals were at their highest. The majority of persons with permission to remain in the State are here for work or study purposes.

The top six registered nationalities which account for over 50% of all persons registered at the end of 2011 were India (12%), Nigeria (10%), China (9%), Philippines (8%), Brazil (8%) and USA (6%)

**Deportations/Removals from the State**

Over 3,000 persons were deported/removed from the State in 2011. This number comprises 2,543 persons who were refused entry into the State at ports of entry and were returned to the place from where they had come, 280 failed asylum seekers and illegal migrants who were deported from the State, 144 asylum seekers transferred to the EU member state in which they first applied for asylum under the Dublin Regulation and 41 EU nationals were returned to their countries of origin on foot of an EU Removal Order.

**Voluntary Returns**

A total of 475 persons chose to return home voluntarily in 2011. Of that number, 402 were assisted to return by the International Organisation for Migration (IOM).

**EU Treaty Rights**

EU Freedom of Movement Regulations provide that EU citizens and their family members, including non-EU citizens, may move and reside freely in any Member State subject to certain conditions. Any non-EU family member intending to reside in Ireland for a period of greater than three months must apply to the Department for a residence card. In 2011, 2,379 EU Treaty Rights applications for residence permission were received. The top five applicant nationalities were Pakistan (15%), Nigeria (10%), Brazil (10%), India (5%) and South Africa (4%).

## **TACKLING HUMAN TRAFFICKING, DOMESTIC, SEXUAL AND GENDER-BASED VIOLENCE, AND MISUSE OF DRUGS, INCLUDING ALCOHOL**

The aim of the Department is to enhance capacity to tackle human trafficking, domestic, sexual and gender-based violence, and misuse of drugs, including alcohol.

### **Review of National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012**

A review of the National Action Plan to Prevent and Counter Trafficking of Human Beings in Ireland 2009 – 2012 coordinated by the Anti-Human Trafficking Unit of the Department and involving all relevant stakeholders, was commenced with a view to informing the development of a National Action Plan from 2013 onwards.

### **Progress in the implementation of relevant strategies**

On 18 January, as a means of raising awareness of human trafficking across Ireland, the Blue Blindfold Campaign was launched in Northern Ireland and a public information campaign was launched in Dublin. Members of the public can familiarise themselves with what human trafficking is and how to spot the signs by logging on to [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie) or they can report suspicions of human trafficking anonymously to An Garda Síochána through Crimestoppers at 1800 25 00 25 or via a dedicated email [blueblindfold@garda.ie](mailto:blueblindfold@garda.ie). A Guide to Procedures for Victims of Human Trafficking was developed and is also available on the web site [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie). An education pack on human trafficking and slavery entitled “*Don’t Close Your Eyes to Slavery*” was issued to all schools for use in the Civil and Political Education (CPSE) curriculum from September 2011.

The Annual Report of Trafficking in Human Beings in Ireland for 2011 was also published on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie). In 2011, 53 cases of alleged trafficking in human beings involving 57 persons were reported to An Garda Síochána. These 57 persons were either encountered directly by An Garda Síochána or referred by other organisations. Of the 57 persons, 37 were alleged victims of trafficking for sexual exploitation, 13 persons were alleged victims of trafficking for labour exploitation and 2 were alleged victims of both sexual and labour exploitation. The exploitation categories for 5 alleged victims had not been established at the time of publication of the Report but investigations were ongoing in this regard.

The Department published a Report in October on Sweden’s legislation criminalising the purchase of sexual services. The Department, with the assistance of An Garda Síochána, commenced an examination into whether or not the Criminal Law (Human Trafficking) Act 2008 is sufficient to meet Ireland’s obligations under International Instruments to criminalise forced labour.

### **Implement National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014**

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. Good progress was made during the year on implementing the actions contained in the strategy.

The actions 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.

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. Further information on progress on implementation of the Strategy can be found at <http://www.cosc.ie>

### **Contribute to implementation of National Drugs Strategy**

The Department continues to have effective input into the implementation of the Interim National Drugs Strategy 2009-2016 through our representation on the various bodies established under the Strategy. 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.

### **Contribute to implementation of National Substance Misuse Strategy**

The report on the National Substance Misuse Strategy which was published in February 2012 provides a comprehensive and structured approach to dealing with the problems and harms caused by alcohol use and misuse. The Department continues to be represented on the National Steering Committee which is developing a new combined National Substance Misuse Strategy (Drugs and Alcohol).

## **NORTH-SOUTH AND INTERNATIONAL CO-OPERATION**

The aim of the Department is to foster North-South and international co-operation in all relevant matters.

### **North-South Co-operation**

#### **Ministerial Meetings**

An Intergovernmental Agreement on Co-operation on Criminal Justice Matters (IGA) was signed by the two Governments on 26 July 2005. A new Agreement was signed in April 2010 to allow for the continuation of existing co-operation following the devolution of policing and justice powers to the Northern Ireland Assembly. Under the new Agreement the Minister meets with the Minister of Justice for Northern Ireland regularly to discuss criminal justice matters of mutual interest or concern in the two jurisdictions and to exchange information on criminal justice initiatives taking place in both jurisdictions.

The Agreement also established a Working Group of senior officials comprising representatives of the Northern Ireland Office, the Department of Justice and Law Reform, and criminal justice agencies from both jurisdictions. The remit of the WG is to support the Ministerial meetings, take forward current co-operation and identify other areas in which co-operation on criminal justice matters could be enhanced or initiated, as appropriate. The WG met twice in 2011, once in Armagh and once in Dublin, to bring forward co-operation, experience sharing and mutual support initiatives in their various fields.

In addition to the WG meetings, two Ministerial Meetings were also held under the IGA in 2011. Minister Shatter met with Northern Ireland Minister of Justice, David Ford in June 2011 in Armagh where they signed a Memorandum of Understanding to support co-operation between forensic science agencies on the island of Ireland. The Ministers met again under the IGA in Antrim in November when they addressed the annual joint conference between the Probation Service, Ireland and the Probation Board Northern Ireland.

Minister Shatter also met with Minister Ford on a number of occasions in 2011, outside the scope of the IGA. In March 2011, both Ministers met at Stormont along with Garda Commissioner Martin Callinan and Matt Baggott, Chief Constable of the PSNI where they praised the high level of cooperation between the two police forces. Minister Shatter and Minister Ford met again with the Garda Commissioner and the PSNI Chief Constable in November 2011 at the 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

#### **IICD and IMC**

Following the completion of their mandates, the Irish and British Governments agreed to dissolve the Independent International Commission on Decommissioning (IICD) and the Independent Monitoring Commission (IMC). They were formally dissolved on 31 March 2011.

The IICD was established in 1997, to oversee the decommissioning of the weapons of paramilitary groups. By February 2010 the IICD had completed the decommissioning of weapons in respect of various paramilitary groups. The Governments formally requested a final report from the IICD which

was delivered to the Department of Justice and Law Reform and the Northern Ireland Office on 28 March 2011.

Similarly, the IMC delivered its 26<sup>th</sup> and final report to the Minister for Justice and Law Reform and the Secretary of State for Northern Ireland on 12 March 2011. The IMC was established in 2003. Its objective was to promote the transition to a peaceful society and stable and inclusive devolved Government in Northern Ireland. The IMC confirmed in its various reports that the programme of security normalisation had been completed and that those paramilitary groups who were committed to the peace process had ceased terrorist activity.

The final reports of the IICD and the IMC were published in July 2011.

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

In November 2011, Minister Shatter met with the Commissioners of the Independent Commission for the Location of Victims Remains (ICLVR) as well as with family members of the so called “Disappeared”. Following the meeting the Minister issued a press release urging anyone with information on the Disappeared to contact the ICLVR.

### **EU Co-operation**

During 2011 there were nine meetings of the Justice and Home Affairs configuration of the Council of the European Union (‘JHA Council’). Two of these were informal meetings hosted by Hungary and Poland respectively during each of their Presidencies of the Council of the European Union. Minister Shatter has attended all planned JHA Council meetings since his appointment as Minister for Justice and Equality in March 2011. The Minister of State, Ms. Kathleen Lynch T.D., attended an extraordinary meeting of the Council convened in May 2011 to discuss asylum and migration issues arising from the developing situation in North Africa.

The Lisbon Treaty, which entered into force on 1 December 2009, created a policy area of Freedom, Security and Justice. Legislation under the Treaty is generally made by qualified majority voting and by co-decision with the European Parliament. Ireland has continued its co-operation at EU level in JHA matters on the basis of Protocol 21 to the Treaty. This Protocol means that measures in the area of Freedom, Security and Justice do not automatically apply to Ireland (or to the UK) but that we can choose to participate in particular proposals on a case by case basis. To do so requires the prior approval of both Houses of the Oireachtas (under Article 29.4.7 of the Constitution).

It is Ireland’s stated policy to opt into JHA measures to the maximum extent possible, in particular to police co-operation proposals. Ireland chose to opt in to a range of proposals during 2011 including proposals on the rights of victims of crime, on the mutual recognition of protection measures in civil matters and on the use of Passenger Name Record data for combating terrorism and other serious crime.

The Government is committed to renewing and increasing Ireland's EU engagement in order to be more effective in influencing decisions and securing outcomes that will be beneficial to the country and the Irish people. A deeper engagement with EU matters is especially important as we prepare for Ireland's seventh Presidency of the Council of the European Union in 2013. The Minister has an extensive EU brief and, through his participation in the JHA Council, has engaged proactively across a



wide range of policy issues and has sought to build constructive relationships with other Ministers. Within the Department, a steering group has been established to oversee the planning of arrangements for the EU Presidency.

## LEGISLATIVE FRAMEWORKS AND INSTRUMENTS

The aim of the Department is to develop appropriate legislative frameworks and instruments as a basis for justice and equality interventions.

### CRIMINAL LAW

#### *Legislation Enacted*

The **Criminal Law (Defence and the Dwelling) Act 2011** was signed by the President on 19 December, 2011 and commenced on 13 January, 2012. The Act clarifies the law concerning defence of the home. It recognises in a very practical manner the special constitutional status of a person's dwelling and makes it clear that a person may use reasonable force to defend themselves in their home. It allows for the use of such force as is reasonable in the circumstances, to protect people in the dwelling from assault, to protect property, to prevent the commission of a crime, or to make a lawful arrest.

The **Criminal Justice Act 2011** was signed into law by the President on 2 August 2011. The Act amends the criminal law to improve certain procedural matters and strengthen Garda investigative powers. The intention is that such improvements will assist in reducing the delays associated with the investigation and prosecution of complex crime, in particular white collar crime. The Act also clarifies two issues relating to persons detained in Garda custody in connection with the investigation of an offence: (i) that such persons have the right to access legal advice prior to questioning (other than where exceptional circumstances apply or they have waived their right), and (ii) the circumstances in which such persons may be questioned between the hours of midnight and 8 a.m.

The **Criminal Justice (Public Order) Act 2011** came into operation on signature by the President on 2 February, 2011. The Act reforms and updates the law on begging following the 2007 High Court Judgement in the *Dillon* case that found part of the vagrancy (Ireland) Act 1847 to be unconstitutional. The Act grants a new power to a member of an Garda Síochána to direct persons who are begging to desist and move on from key locations such as ATM's, vending machines and business premises. The Act will protect members of the public in locations where begging activity can be particularly intimidating. It will also protect business owners where the behaviour or number of persons begging near their premises is having a negative effect on their trade.

The **Communications (Retention of Data) Act 2011** came into operation when signed by the President on 2 February, 2011. The Act transposes Directive 2006/24/EC of the European Parliament and of the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC.

#### **Legislation Published**

The **European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Bill 2011** was published on the 10 August 2011. The Bill will enable Ireland to give effect in Irish law to surrender agreements entered into by the EU with non-EU states.

## **Heads Published**

### **National Vetting Bureau Bill**

Heads of this Bill were published on Wednesday 27th July 2011 and were considered by the Oireachtas Joint Committee on Justice, Defence and Equality who reported in November 2011. The Bill will make statutory provision for the vetting of persons employed in circumstances where they have access to children and for the use of soft information. The Committee's views are available on the Oireachtas website. It is intended to publish the Bill in final form in 2012.

## **CIVIL LAW**

### **Landlord and Tenant Law**

The Department launched a consultative process on a draft Bill to update and overhaul general landlord and tenant law. Submissions were invited, by 31 May, from interested parties. The Government subsequently approved drafting of the Bill and it is expected to be published in late 2012.

### **Upward Only Rent Reviews**

On 6 December 2011 the Government announced its decision not to proceed with the legislation to abolish upward only rent review clauses in existing business leases. An initiative has been taken which involves the publication by NAMA of a policy guidance note which is intended to assist tenants in NAMA properties who are experiencing difficulties in paying rents including rents where upward only rent reviews apply.

## **Legislation Enacted**

European Communities (Maintenance) Regulations 2011 (SI No. 274 of 2011) sets out the effect on domestic legislation of Council Regulation (EC) 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations and makes the necessary provisions for the good administration of the Regulation. An amending S.I. (S.I. No. 612 of 2011) European Communities (Maintenance) (Amendment) Regulations 2011 was subsequently made.

European Communities (Mediation) Regulations 2011 (S. I. 209 of 2011) transposes Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters and makes the necessary provisions for the good administration of the Directive.

**The Civil Law (Miscellaneous Provisions) Bill 2011** was enacted on 2 August 2011. The Act provides for amendments to provisions across the range of civil and regulatory law including: bankruptcy law, the enforcement of maintenance orders, additional domestic violence protection, the organisation of coroners in the Dublin area, protection for good samaritans and those engaged in voluntary works, a new citizenship ceremony process, proper recognition of civil partners in regard to naturalisation and citizenship, the transfer of the Family Mediation Service to the Legal Aid Board and the appointment of Taxing-Masters to the High Court. The changes are designed to strengthen the law

and make it more efficient and effective. Some of the changes will help to modernise further the agencies that operate under the aegis of the Department of Justice and Equality.

### **Land Law and Registration of Title**

Parts 12 and 13 of the Civil Law (Miscellaneous Provisions) Act 2011 contain amendments to the Land and Conveyancing Law Reform Act 2009 and the Registration of Title Act 1964 respectively which simplify the procedures for registering easements set out in the 2009 Act. The amendments permit the Property Registration Authority (PRA) to register such easements without a court order where there is no disagreement between the parties. Rules applicable to the new arrangements are set out in the Land Registration Rules 2011 (S.I. No. 559 of 2011).

### **Multi-Unit Developments Act 2011**

The Multi-Unit Developments Act 2011 came into operation on 1 April, 2011. The primary purpose of the Act is to amend the law relating to the ownership and management of the common areas of multi-unit developments and to facilitate the fair, efficient and effective management of bodies responsible for the management of such areas. The Act contains provisions relating to the transfer of the ownership of common areas to owners' management companies, voting rights in owners' management companies, arrangements regarding the calculation of annual service charges and contributions to sinking funds and the making of House Rules for multi-unit developments.

In addition, the Act introduces a new Circuit Court based jurisdiction for resolving disputes which cannot be settled by mediation or other forms of Alternative Dispute Resolution.

Three sets of associated Regulations were made during 2011 –

- SI. No. 96 of 2011 - MULTI-UNIT DEVELOPMENTS ACT 2011 (SECTION 3) (PRESCRIBED PERSONS) REGULATIONS 2011 – prescribes the classes of persons considered suitably qualified to certify that a multi-unit development has been constructed in compliance with the Fire Safety Certificate issued for that development.

SI. No. 112 of 2011 – MULTI-UNIT DEVELOPMENTS ACT 2011 (SECTION 27)(PRESCRIBED BODIES) ORDER 2011 - relates to the nomination of chairpersons of mediation conferences in the event that the parties do not agree on the chairperson. In such cases, the chairperson shall be appointed by the Court and shall be either a practising barrister or practising solicitor of not less than 5 years standing or a person nominated by one of the five bodies prescribed in the Order.

SI NO.468 of 2011 - MULTI-UNIT DEVELOPMENTS ACT 2011 (PRESCRIBED FORM AND FEE) (NO. 2) REGULATIONS 2011 - prescribes a revised form of application to be made and the fee to be paid to the Companies Registration Office in connection with the restoration of companies to the Companies Register under section 30 of the Act.

## **LEGISLATION UNDER REVIEW**

The Explosives Bill 2012 is now at an advanced stage of drafting and proposes the repeal in its entirety, of the Explosives Act 1875 and its replacement with a modern statutory framework for the control of the manufacture, importation, storage, transport, and supply of explosives for legitimate purposes.

## **OTHER MATTERS**

Section 9 of the Intoxicating Liquor Act 2008 provides for the structural separation of alcohol products from other beverages and food products in mixed trading premises such as supermarkets, convenience stores and garage forecourts. During the period leading up to the enactment of the 2008 Act, bodies representing the mixed trading sector proposed implementation of a Code of Practice as an alternative to section 9. It was agreed to postpone implementation of the statutory provisions in favour of an agreed Code of Practice subject to compliance with stated conditions, in particular independent verification of compliance with the Code and that the Code was achieving the objectives of structural separation.

A Code of Practice was drawn up and agreed with the Department of Health and the mixed trading sector. The Code sets out voluntary commitments on structural separation, advertising and training.

A new body – Responsible Retailing of Alcohol in Ireland Ltd (RRAI) – was established by the mixed trading sector to oversee implementation of the Code. On foot of the compliance reports submitted by the independent chairman of RRAI in 2009 and 2010, section 9 of the 2008 Act was not brought into operation. On receipt of the Compliance Report for 2011, a public consultation process was launched seeking the views of interested parties on the 2011 Report and, more generally, on the effectiveness of the voluntary approach to implementing structural separation in mixed trading premises. The response to the consultation process elicited a broad range of views on future arrangements for structural separation.

Following an examination of the submissions received, the Minister expects to be in a position to seek Government approval for proposals relating to the future arrangements for the display and sale of alcohol in mixed trading outlets in the first half of 2012.

## REGULATORY FRAMEWORKS

The aim of the Department is to establish appropriate regulatory frameworks for the protection of individuals/organisations and as a basis for economic recovery and growth.

### **Property Services (Regulation) Act 2011**

**The Property Services (Regulation) Act 2011** was enacted in December 2011 and the Act will be commenced on a phased basis. The primary purpose of the Act is to establish the Property Services Regulatory Authority with a mandate to set and enforce standards in the provision of property services by auctioneers, letting agents and property management agents and to provide redress mechanisms for consumers of those services. The Authority will also have statutory responsibility for the publication of residential property sales prices and the establishment and maintenance of a Commercial Leases Database. Advertisements inviting expressions of interest from suitably qualified members of the public who wish to be considered for appointment to the new Authority were published on 7 December 2011 with a view to making appointments in the early months of 2012.

### **Legal Services Regulation Bill 2011**

The Programme for Government undertakes to “*establish independent regulation of the legal professions to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints*”. These commitments are being given expression in the Legal Services Regulation Bill 2011, which was published in October 2011 and commenced Second Stage in the Dáil on 16<sup>th</sup> December. The Bill is also one of the measures in support of structural reform, national competitiveness and economic recovery contained in the EU/IMF/ECB Memorandum of Understanding on Specific Economic Policy Conditionality. The deadline for the publication of the Bill for the end of Quarter 3 of 2011 was met by the Government despite the obvious challenges this presented. The EU/IMF/ECB Troika were briefed by Minister Shatter on the Bill and considered it to have met both the spirit and the letter of the Government’s undertakings.

### **Gambling**

In September 2011, the Minister announced that the Government had agreed to modernise the laws on the regulation of gambling. Work will continue into 2012, when the Minister expects to present a draft of the legislation to the Government, for its approval.

The legislation is expected to establish the Minister for Justice & Equality as the single regulator for betting and gaming – collectively referred to as ‘gambling’. It is also expected to provide for the regulation of online gambling and casinos. It will contain numerous and varied safeguards to protect vulnerable persons, including persons under 18 years, as well as players. The regulatory function will be financed to a very substantial extent from fees collected from operators.

## **Charities sector**

The role of the Charities Regulation Unit, which transferred into the Department of Justice and Equality on 1 May 2011, is to develop policy in relation to the regulation of the charities sector with the objective of increasing public trust and confidence in the management and administration of charitable trusts and charitable organisations, on the basis of both statutory and non-statutory frameworks.

The Office of the Commissioners of Charitable Donations and Bequests which was transferred from the Department of Justice in 2001 has now been taken back under its aegis. The Commissioners provide services to trustees of charities and they comprise a voluntary board made up of Judges, Solicitors, Accountants, Barristers and members of the Clergy.

## **Internet Safety and Awareness**

The Office for Internet Safety (OIS) of the Department [www.internetsafety.ie](http://www.internetsafety.ie) leads and coordinates the response to issues of internet safety in Ireland, particularly as it relates to children. The Safer Internet Ireland Project is a consortium of industry, education, child welfare and government partners that acts as a Safer Internet Centre in Ireland providing awareness, hotline and helpline functions and activities in the Republic of Ireland.

The annual EU Safer Internet Day took place in February. The aim of this event is to promote safer and more responsible use of the internet and mobile phone technologies, especially amongst children and young people. To mark the day in Ireland, parents were called on to “Get Webwise – Get Involved” and a new website [www.facebook.com/webwise](http://www.facebook.com/webwise), was formally launched along with the publication of “EU Kids Online: Ireland Report”.

The Annual Report for 2010 of the Irish Internet Hotline was launched on 29 June 2011. The hotline provides a central point of contact for members of the public to report on any child pornography on the Internet in Ireland. The hotline, where appropriate, liaises with An Garda Síochána and requests the relevant Internet Service Provider (ISP) to remove the content.

## **GOVERNANCE**

The aim of the Department is to provide effective governance / oversight of agencies within the Department's remit.

### **Code of Practice for the Governance of State Bodies.**

Arrangements were in place and were followed through to ensure compliance with the Code of Practice for the Governance of State Bodies 2009.

### **Audit Committee**

The Department has an Audit Committee in place and in line with the recommendations of the Mullarkey report and the guidance as set out in the Code of Practice for the Governance of State Bodies. The role of the Audit Committee includes advising the Accounting Officer on the adequacy and effectiveness of the systems and internal controls operating within the Department. The Audit Committee's remit extends to Votes 19 (Justice) and 21 (Prison Service) for 2011. The Committee is made up of 5 members, 4 members are independent of the Department and 1 member acts as the Department's representative. All members have a significant level of senior management experience from the public and private sector. One member is a qualified accountant and has a significant level of financial experience. The Committee has a charter and terms of reference in place and oversees the work of the Department's Internal Audit Unit. The Committee met four times in 2011.

The Department's Internal Audit Unit carry out audits as approved in the annual audit work programme. 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 findings and recommendations of all audits are issued to local management to implement. The Internal Audit Unit carry out an annual review of internal financial controls in both Justice and the Irish Prison Service and a positive assurance was given in respect of the systems for 2011.

The Audit Committee received a number of presentations throughout the year from Senior Managers in the Department, the Prison Service and external accounting firm (Mazars). The presentations form an important contribution to the Committee's role in ensuring that there is appropriate oversight and an effective internal control framework across the Department. The Audit Committee met with the Comptroller and Auditor General in 2011 and discussed any areas of concern.

The Chairperson and members of the Audit Committee met with the Accounting Officer to discuss and highlight material issues of concern in respect of 2011.

### **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 2011 -

#### **(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	40	€441.76
Over €317	87	€1,420.92
Total	127	€1,862.68

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

The overall percentage of late payments to total payments was 0.38%

The total amount of interest paid with respect to late payments was €1,862.68

**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 2011 to ensure adherence to the Government's budgetary strategy. The Value for Money Review programme, coordinated by the Unit, completed its review of the Legal Aid Board.

On an on-going basis the Unit produces a range of financial reports for a variety of users, including a bi-monthly Memorandum for Government on the overall budgetary management of the Justice Financial Group.

**Freedom of Information**

Every effort is made to maintain high quality decision making in responding to all Freedom of Information requests.

A total of 597 requests were processed under the Freedom of Information Act, as amended of which 82% were for personal information from staff and clients of the Department and approximately 18% were from journalists, businesses and other groups.

## **ORGANISATIONAL CHANGE AND DEVELOPMENT**

The aim of the Department is to 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.

### **Public Service Reform**

The Government published a comprehensive Public Service Reform Plan on 17 November 2011. This is a far-reaching and ambitious cross-Government programme of Public Service reform, with some 200 actions across a range of areas which, together, aim to

- place customer service at the core of everything we do;
- maximise new and innovative service delivery channels;
- radically reduce our costs to drive better value for money; while
- leading, organising and working in new ways, with a
- strong focus on implementation and delivery.

Building on this extensive agenda, the Department has put in place a transformation programme across the Justice and Equality Sector with the objective of ensuring that key front-line services are efficiently maintained, given reduced budgets and staffing resources.

This transformation programme is examining every aspect of the way in which work is done, services delivered and resources deployed throughout the sector, with the objective of maintaining front-line services to the public to the maximum extent possible. The projects which have been developed aim to achieve the best possible outcomes for the citizen across the remit of the Department's responsibilities, given the resources that are likely to be available over the next few years.

### **INIS Business Transformation**

A comprehensive Business Transformation Programme, aimed at transforming Immigration Services by 2014, continued to be implemented by the Irish Naturalisation and Immigration Service (INIS) in 2011. The aim of this Programme is to achieve efficiencies, cost savings, productivity improvement and improved service delivery across INIS and is in line with requirements under the Public Service Agreement 2010 - 2014 ('Croke Park Agreement').

Implementation of this programme will continue to be a key priority for INIS in 2012.

### **Shared Services**

The Department's Financial Shared Services (FSS) centre in Killarney continues to operate a comprehensive shared services business model for the delivery of payroll and financial services across

a variety of Civil Service Departments and Agencies with budgets totalling €2.7 billion, 25,500 employees and 9,000 pensioners. The business operations and strategic objectives of these organisations are diverse but all operate within the general Government Accounting and Human Resource Management frameworks of the Public Service. The quality and integrity of service delivery by the FSS is underpinned by a strong governance and performance management framework. The shared services model has enabled the FSS to implement risk management in a cost effective manner for the processes and IT systems it manages on behalf of its client organisations.

In 2011, following the re-organisation of Government Departments the FSS undertook a project to facilitate the take on of additional employees and invoice processing functions of the Department of Arts, Heritage and the Gaeltacht. The action on the introduction of electronic funds transfer (EFT) for all payments to staff and suppliers of goods and services, under the Croke Park – Public Service Agreement 2010-2014 was completed with the achievement of an aggregate of 98% EFT for payments made by the FSS.

### **Effective procurement strategy devised and implemented.**

Strategically, the Department's procurement focus is on supporting developments at the centre to increase collaboration in procurement across the Government Sector in order to achieve cost savings, administrative efficiency and risk minimisation. Operationally, the Department already makes maximum use of existing central frameworks and is committed to using more such arrangements as they become available. Where the need to initiate a new procurement is identified, then the interests of all organisations/agencies under the aegis of the Minister for Justice & Equality are reflected, if appropriate, and subject to established internal governance guidelines.

### **ICT shared service- consolidation of ICT governance**

In 2011 IT Division met the challenge of maintaining and enhancing delivery of its services to the Department and to the Justice and Equality sector in the face of ongoing financial constraints. This was achieved by tight budget control and aggressive contract management. Governance and service delivery were assisted by the establishment this year of the Justice and Equality Sector ICT Governance Group.

The IT Shared Services are currently delivered as a managed service on an outsourced basis. An availability rate of 99.9% was achieved in 2011. The Shared Services were provided to:

- approximately 1,800 customers in the core Department and across 26 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 (following its transfer to the Department of Children and Youth Affairs) and the equality areas of the Department of Community, Equality and Gaeltacht Affairs (until equality functions were re-incorporated into the Department of Justice and Equality in early 2011).

This range of examples illustrates the flexibility of the shared service approach.

The Division continued to work with business units throughout the Justice and Equality sector to develop business and key corporate applications which improve efficiencies as required under the

Public Sector Agreement such as: a centralised corporate directory (JustDirectory); a leave management system (JustLeave); a customised IT system for the operation and administration of PMDS; business planning (JustGov); central contract management (Supply Agreements Database); and a centralised air travel booking system. IT Division also supports 23 Justice and Equality sector websites 'in-house' which enables the Department to provide a range of online services including: recruitment/competition; financial transactions and discussion forums.

## Appendix 1

Minister for Justice and Equality  
Mr. Alan Shatter T.D.

Minister of State  
Ms Kathleen Lynch T.D.

Secretary General, Mr. Brian Purcell

An Garda Síochána / Tackling Crime	Justice Services	Equality	Immigration & Related Services	Security	Law Reform	Business Delivery
<ul style="list-style-type: none"> <li>•Garda Division</li> <li>•Anti-Money Laundering Compliance Unit</li> <li>•Crime 1</li> <li>•Crime 2 (Drugs and Organised Crime)</li> <li>•Crime 4 (Firearms &amp; Explosives)</li> <li>•Mutual Assistance &amp; Extradition</li> <li>•Anti- Human Trafficking Unit</li> <li>•White Paper on Crime Unit</li> </ul>	<ul style="list-style-type: none"> <li>•Prisons &amp; Probation Policy</li> <li>• Courts Policy</li> </ul>	<ul style="list-style-type: none"> <li>• Disability Policy</li> <li>• Diversity and Equality Law</li> <li>• Gender Equality</li> <li>• Traveller Policy</li> <li>• Office for the Promotion of Migrant Integration</li> </ul>	<ul style="list-style-type: none"> <li>•Irish Naturalisation and Immigration Service <ul style="list-style-type: none"> <li>➤ Immigration</li> <li>➤ Visa</li> <li>➤ Citizenship</li> <li>➤ Repatriation</li> <li>➤ Asylum</li> </ul> </li> <li>• Reception &amp; Integration Agency</li> </ul>	<ul style="list-style-type: none"> <li>•Crime 3</li> </ul>	<ul style="list-style-type: none"> <li>•Criminal Law Reform</li> <li>•Civil Law Reform</li> </ul>	<ul style="list-style-type: none"> <li>•Corporate Affairs/FOI</li> <li>•Financial Shared Services Centre</li> <li>•Financial Management Unit</li> <li>•IT</li> <li>•Human Resources</li> <li>•Reform &amp; Development Unit</li> <li>•Press &amp; Communications</li> <li>•International Policy Division</li> <li>•Internal Audit</li> <li>•Procurement Strategy Group</li> <li>• Charities Regulation Unit</li> <li>•Casino Gaming Control Section</li> </ul>
<ul style="list-style-type: none"> <li>• An Garda Síochána</li> <li>• Garda Inspectorate</li> <li>• Garda Síochána Ombudsman Commission</li> <li>• Cosc- the National Office for the Prevention of Domestic, Sexual and Gender-based Violence</li> <li>• Forensic Science Laboratory</li> <li>• Private Security Authority</li> <li>• State Pathology Service</li> <li>• Office for Internet Safety</li> <li>• Victims of Crime Office</li> </ul>	<ul style="list-style-type: none"> <li>• Irish Prison Service</li> <li>• Courts Service</li> <li>• Probation Service</li> <li>• Irish Youth Justice Service</li> <li>• Parole Board</li> <li>• Mental Health (Criminal Law) Review Board</li> <li>• Legal Aid Board</li> <li>• National Property Services Regulatory Authority</li> <li>• Office of the Inspector of Prisons</li> <li>• Irish Film Classification Office</li> <li>• Censorship of Publications Board</li> <li>• Office of the Data Protection Commissioner</li> <li>• Criminal Injuries Compensation Tribunal</li> <li>• Coroners</li> </ul>	<ul style="list-style-type: none"> <li>• National Disability Authority</li> <li>• Equality Tribunal</li> <li>• Equality Authority</li> </ul>	<ul style="list-style-type: none"> <li>•Office of the Refugee Applications Commissioner</li> <li>•Refugee Appeals Tribunal</li> </ul>		<ul style="list-style-type: none"> <li>• Criminal Law Codification Advisory Committee</li> </ul>	Commissioners of Charitable Donations & Bequests for Ireland

## Appendix 2

### FINANCIAL TABLES

#### Justice Vote Group Budget 2012

##### Gross Expenditure Current

<b>Vote</b>	<b>2011 Provisional Outturn per Revised Estimates Volume €000</b>	<b>2012 Budget €000</b>
Garda Síochána	1,543,665	1,424,837
Prisons	311,879	312,083
Courts Service	101,695	98,390
Property Registration Authority	32,671	33,270
Justice and Equality	389,750	374,989
<b>Total</b>	<b>2,379,660</b>	<b>2,243,569</b>

##### Gross Expenditure Capital

<b>Vote</b>	<b>2011 Provisional Outturn per Revised Estimates Volume €000</b>	<b>2012 Budget €000</b>
Garda Síochána	27,379	20,440
Prisons	34,404	24,080
Courts Service	11,151	8700
Property Registration Authority	155	560
Justice and Equality	278	2,870
<b>Total</b>	<b>73,367</b>	<b>56,650</b>

**Appropriations- in –Aid**

<b>Vote</b>	<b>2011 Provisional Outturn per Revised Estimates Volume €000</b>	<b>2012 Budget €000</b>
Garda Síochána	133,649	119,735
Prisons	18,017	18,348
Courts Service	50,033	52,315
Property Registration Authority	1,355	1,169
Justice and Equality	48,787	46,639
<b>Total</b>	<b>251,841</b>	<b>238,206</b>

**Net Expenditure (Current and Capital)**

<b>Vote</b>	<b>2011 Provisional Outturn per Revised Estimates Volume €000</b>	<b>2012 Budget €000</b>
Garda Síochána	1,437,395	1,325,542
Prisons	328,266	317,815
Courts Service	62,813	54,775
Property Registration Authority	31,471	32,661
Justice and Equality	341,241	331,220
<b>Total</b>	<b>2,201,186</b>	<b>2,062,013</b>