

Our Mission

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

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

Values

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

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

Introduction

I am very pleased, as Minister for Justice, Equality and Law Reform, to present this report on the activities and achievements of my Department during 2000.

During the year my officials and I continued our work in implementing the commitments in the Good Friday Agreement, for which we have responsibility, including close liaison with the Independent International Commission on Decommissioning. I am pleased to say that we delivered on the Government's commitment under the Agreement to establish a Human Rights Commission. The Human Rights Commission Act, 2000 became law in May, 2000 and Mr. Donal Barrington, distinguished Judge of the Supreme Court, was appointed as President of the Commission.

The Garda National Drugs Unit continued to co-ordinate operations against drug dealing and trafficking during the year. A major review of the National Drugs Strategy was undertaken in 2000. During the year 22 new Garda Youth Diversion Projects were established under the National Development Plan increasing the total number of projects to 51. Operation Lifesaver continued focusing on drink driving, speeding and seat belt offences. Funding was committed to the installation of Garda CCTV systems in a number of locations throughout the country. The year also saw the launch of the new Garda High Speed Patrol Boat, *Colm na Córa*.

A number of other significant developments took place during the year in relation to An Garda Síochána, including the establishment of a Garda Síochána Physical Competency Test Review Group and progress on the recommendations contained in the report on the Efficiency and Effectiveness of the Garda Síochána. Work in relation to the Garda Recruitment Programme, the Garda Computerisation Programme (PULSE) and the Garda Accommodation Programme continued.

The opening of Cloverhill Prison and the Midlands Prison brought the number of additional prison places made available to over 1,200. Planning to provide a further 700 prison places, including juvenile centres in Dublin and Cork, commenced.

During the year the Probation and Welfare Service published two reports - "An Empirical Study of Community Service Orders in Ireland" and "Young Offenders in Penal Custody".

Mary Wallace, T.D., Minister of State at the Department and Chairperson of the National Steering Committee on Violence Against Women continued her work. A National Directory of Services for Women Experiencing Violence or the threat of Violence was produced by the Committee and launched in July, 2000.

A number of significant developments in relation to Equality issues took place. All of the recommendations of a Working Group set up by the Department to review and improve maternity protection legislation were approved by the Government. These recommendations have led to increases in maternity leave entitlements.



JOHN O'DONOGHUE
Minister for Justice,
Equality and Law Reform

My Department is responsible for implementing a number of Measures under the National Development Plan. Under the Equality for Women Measure my Department was allocated a sum of £23.2 million. I announced details of this Measure in October, 2000 and invited project proposals for the first four strands of the Measure. During the year I also launched an ESRI study in relation to Male/Female wage differentials.

Childcare is a priority in the National Development Plan and £250 million is being provided to my Department to fund the development of childcare provision over 2000 to 2006. The availability of a range of grants was advertised in April, 2000. An information booklet '*Childcare Funding in Ireland*' was launched in July, 2000.

The Equal Status Act, 2000 was enacted during the year. The Act provides protection against discrimination in non-workplace areas under a number of grounds. In October, 2000 the Government approved proposals for a National Anti-Racism Public Awareness Programme for which a budget of £1.5 million per annum over a three year period commencing in 2001 was approved.

The Establishment Group for the National Disability Authority (NDA) concluded its task in June, 2000 with the successful establishment of the NDA and the introduction of mainstreamed services for people with disabilities. A National Disability Day 2000 was held on 27th November with the theme IT ability.

During 2000, my Department continued to face major challenges in relation to the processing of claims for refugee status. The number of applicants increased from 7,724 in 1999 to 10,938 in 2000. The Asylum process underwent considerable change with the commencement in full of the Refugee Act on 20 November, 2000. This resulted in the establishment of two independent statutory offices for the processing of asylum applications, the Refugee Applications Commissioner and the Refugee Appeals Tribunal. Other developments in relation to Asylum during the year were the introduction of fingerprinting of all asylum seekers over 14 years of age and the signing of a Readmission Agreement with Romania. The year also saw the establishment of the Garda National Immigration Bureau and the drafting of the Immigration (Carrier's Liability) Bill.

A range of legislation initiated by my Department, was enacted during the year. These include the Illegal Immigrants (Trafficking) Act, 2000, the Protection of Children (Hague Convention) Act, 2000 and the Intoxicating Liquor Act, 2000.

Finally, in November, 2000 I established the Commission on Liquor Licensing to review the State's Liquor Licensing Laws.



John O'Donoghue, T.D.,
Minister for Justice, Equality and Law Reform.

Garda Síochána

The 2000 allocation for the Garda Vote was £668 million.

Policy Developments

A Garda Síochána Physical Competence Test Review Group was set up during 2000 to advise on the principle of objective, non-gender biased pre-entry physical competence tests and to assess the operational, scientific or other relevance of the height requirement as a selection criterion for entry to An Garda Síochána. The Review Group subsequently recommended that a job-related pre-admission physical competence test should be introduced for applicants to An Garda Síochána and set out the arguments for abolishing or maintaining the height requirement.

Significant progress has been made in developing the recommendations contained in the report on the Efficiency and Effectiveness of the Garda Síochána. The work is managed by the Garda SMI Steering Group and is supported by the Bottom-Up Review Group and also by a full time implementation Team comprising members of An Garda Síochána and officials of the Department of Justice, Equality and Law Reform.

Major developments in 2000 include:-

- A detailed study on further civilianisation in An Garda Síochána,
- A review of the Human Resource Management function for An Garda Síochána,
- A review of Training and Promotion procedures,
- A study to determine the best manner to allocate available resources to meet the demands of the organisation.

The Steering Group presented its second report to Government in June, 2000. It will continue to progress

its detailed work programme into 2001 focusing in particular on:-

- A comprehensive review of structures and operating systems,
- A review of the performance and accountability of the Garda Síochána.

Operational Developments

Garda Air Support Unit

In August 1999, a contract was entered into between Eurocopter and the Department for the supply of an EC 135 helicopter for the Garda Air Support Unit. The helicopter was built in the Eurocopter facility in Germany and has been flown to McAlpine Helicopters in the United Kingdom where it is being fitted out with police mission equipment.

Garda Fleet

A total of £6.5 million was spent in 2000 on the purchase of vehicles for the Garda and Ministerial Fleets. This continued investment has strengthened the operational capability of the Force from a total of 1,905 vehicles at the end of 1999 to 2,084 vehicles at the end of 2000.

Garda Water Unit

The Minister launched the new Garda High Speed Patrol Boat *Cólm na Córa* on 15 May, 2000 at Hodson Bay, Athlone. The provision of a dedicated Garda Patrol Boat will assist in policing the extensive nature of our inland waterways. The Patrol Boat is a Targa 31. It is approximately 10 metres in length and has a cruising speed of 23 knots. The Patrol Boat is also equipped with sophisticated navigational and tactical equipment which will greatly enhance the crime-fighting capability of the Garda Síochána.

Garda CCTV Systems

Work on the Dublin City Centre CCTV Project to extend the existing systems in Temple Bar and the O'Connell Street area to include Grafton Street and surrounding areas continued in 2000. Work also commenced in 2000 on the installation of a Garda CCTV System in Cork City comprising of 29 cameras.

The Minister announced in November 2000 that a total of £12 million had been allocated to the installation of CCTV systems - both Garda and Local Community - nation-wide over the next three years with £4 million being allocated in 2001. As part of the first tranche, Garda CCTV systems are to be installed in the following areas: Athlone, Bray, Clondalkin, Dundalk, Dun Laoghaire, Finglas, Galway, Limerick, Waterford and Tallaght. It is anticipated that these systems will be installed in the period 2001/ 2002. At least a further six areas will commence in 2003 and they will be announced in due course.

The Minister also said that he planned to introduce a grant scheme to cater for those communities who would like to press ahead on their own with a local CCTV system. It will be up to the local interests to install and monitor the CCTV schemes. However, grant assistance will be provided. To qualify for grant aid, certain minimum standards will have to be met and the Gardaí will have to be allowed access to the system when and as they require it. Local authorities will have an important role to play.

Staffing Developments

Peacekeeping

The staffing commitment to peacekeeping missions at the end of 2000 was fifty three members to UN Missions (Bosnia-Herzegovina and Cyprus) and four members to OSCE Mission in Croatia.

Garda Recruitment

A total of 500 Garda trainees were recruited in 2000. The Government also approved the holding of a new Garda recruitment competition and the recruitment of 500 trainees in 2001.

Senior Garda Promotions

The Government approved the appointment of four Chief Superintendents and twenty Superintendents, mainly, to fill normal vacancies which arose in these ranks as a result of retirements. The figures also include appointments to one new post at Chief Superintendent level and one new post at Superintendent level in the newly established Garda National Immigration Bureau.

Information Technology and Telecommunications

Implementation of the PULSE (Police Using Leading Systems Effectively) systems continued during 2000, with a number of elements of the system commencing live operation. When fully implemented PULSE promises significant operational benefits to the Force in its fight against crime. The benefits of greatly enhanced information processing and analysis capabilities available within PULSE are having an impact on policing.

Planning for a new digital radio network continued, with the decision to conduct a pilot project in the Dublin area. The tendering process for the pilot phase of the project commenced in the latter part of 2000.

Garda Building and Maintenance Programme

There is an ongoing programme of replacement or refurbishment of Garda station accommodation.

Building and refurbishment projects were completed at the following location - Kilmoganny, Ballinskelligs, Kealkil, Thurles, Loughrea and Mayorstone.

During the year, works commenced on the following stations - Ballyfermot, Tullamore, Cobh, Dunshaughlin, Clondalkin, Castlecomer, Waterville and Stradone.

A large number of maintenance projects were completed at various Garda locations throughout the country during the year. Refurbishment works also commenced to facilitate the implementation of a nation-wide scheme of audio/video recording of Garda questioning of detainees in Garda stations.

Conciliation/Arbitration/Compensation

The main achievements in the area of conciliation/arbitration was the finalisation, following consideration by the Adjudication Board, of the PCW pay claims with the Association of Garda Sergeants and Inspectors and by agreement at the Garda Conciliation Council with the Association of Chief Superintendents.

During the year £6.89 million including costs was awarded by the High Court in 163 compensation claims arising under the Garda Síochána (Compensation) Acts, 1941 and 1945. A further 314 new applications were received in 2000.

Proposals for changes to the operation of the Compensation Scheme under the Garda Síochána Compensation Acts are being formulated for consideration by Government.

Crime Prevention Programmes

Garda Youth Diversion Programme

Garda Youth Diversion Projects are aimed at young people who are involved - or at risk of becoming involved - in criminal and antisocial behaviour. The management committees operating each of these projects are multi-agency in nature, usually involving Gardaí, Probation and Welfare Service, a major voluntary youth organisation, clergy, and community representatives. Government approval was obtained for the expenditure of £16m under the National Development Plan 2000-2006 for the expansion of the programme.

During the year 2000, 22 new projects were established under the National Development Plan increasing the total number of projects to 51.

The Children's Research Centre, Trinity College was commissioned to evaluate a number of Garda Youth Diversion Projects. Findings of the resultant report, which was published in October, 2000, will guide their future development.

Community Alert (operated by Muintir na Tíre)

Community Alert is a rural community-based initiative which aims to improve the life and security of people who are vulnerable, especially the elderly. The Department provided Muintir Na Tíre with £80,000 in funding for the year 2000. This supports the employment of five full time Development Officers, who provide more than 1,100 local schemes with information and advice.

Road Traffic

The Department has a general responsibility for monitoring the enforcement by the Gardaí of the Road Traffic Acts. The Department is also involved in the High Level Steering Group on Road Safety, which involves all the agencies with responsibility for implementing the Government's National Road Safety Strategy.

The Department has ensured that the Gardaí are adequately resourced to enforce the Road Traffic Acts and key policy initiatives. Initiatives in 2000 included the introduction of Evidential Breath Testing machines in 20 Garda Stations by the end of the year and the introduction of fixed cameras on a pilot basis in Louth-Meath and Dublin. In recent years the Gardaí updated their speed detection equipment by acquiring tripod mounted lasers, motorcycle mounted cameras, laser guns and 4x4 high visibility patrol vehicles for example.

In 2000, Operation Lifesaver continued focusing on drink driving, speeding, seat belt offences and in this regard Gardaí issued 224,264 tickets for speeding, 59,841 tickets for the non-wearing of seat belts and detected 10,433 suspected drink driving cases. In addition, Gardaí undertook short intensive campaigns throughout the State focusing on vulnerable road users e.g. motorcyclists and pedestrians as well as checks on heavy goods vehicles, for example, and publicised their campaigns using local and national media.

Firearms/Explosives Administration Unit

The Department deals with the registration of Firearms Dealers, the issue of firearms importation licences to dealers and residents,

documents for transfer of firearms to EU Countries, firearm certificates to non-residents for shotguns and rifles under the Firearms Acts, 1925 to 2000 and issues relating to the manufacture, transportation, storage and importation of explosives under the Explosives Act, 1875

Registered Firearms Dealers

440 Firearms Dealers were registered in the State during 2000. Approximately half of these traded in firearms and ammunition and paid a fee of £60 per annum, while the remainder traded in ammunition only and paid a fee of £10 per annum.

Firearm Certificates

It is the Department's current policy to only license shotguns, crossbows and rifles not exceeding .22 calibre, except in the case of deer hunting and competitive target shooting where bolt-action rifles up to .270 calibre are licensed.

Firearm certificates are issued to residents by the Garda Síochána. Approximately 207,000 such certificates were issued during the year ended 31 July, 2000.

In accordance with the provisions of the Firearms Acts, 1925 to 2000, a non-resident may only use a firearm in the State when he/she has in his/her possession a firearm certificate issued by this Department. Approximately 4,000 such certificates are issued annually. A non-resident may not bring a firearm into the country which a resident is prohibited from holding.

Importation Licences

1085 Importation Licences were issued during the year ended 31 December, 2000.

Export to EU Countries

440 Transfer Documents were issued during the year ended 31 December, 2000.

Legislation

The Firearms (Firearm Certificates for Non-Residents) Act, 2000, came into operation with effect from the 14 July, 2000. This Act amends the provisions for the granting of firearm certificates to non-residents by the Minister under the Firearms Act, 1925 and also amends section 29 of the Wildlife Act, 1976 for the granting and renewal of hunting licences by the Minister for Arts, Heritage, Gaeltacht and the Islands to non-residents. The Minister will continue to grant firearm certificates to non-residents for hunting or sporting purposes for a maximum period of 2 years from 14 July, 2000 after which the granting of such firearm certificates will become the responsibility of An Garda Síochána.

Explosives

During the year ended 31 December, 2000 the following licences were issued:-

- 493 Importation licences for industrial explosives, fireworks for displays, marine safety flares, nitrates/sodium chlorate, and a number of minor items; and
- 23 Licences for the manufacture of explosives on site of use i.e. quarries.

Training Courses for Drivers of Vehicles

Carrying Explosives

2 courses were held during 2000. 6 drivers attended each course.

Drugs/Organised Crime

National Drugs Strategy

The National Drugs Strategy is a multi-agency response to the problems posed by problem drug use in Ireland. Initiatives under way include the National Drugs Strategy and the Young People's Facilities and Services Fund which are aimed at providing an effective, integrated response. Representatives of Government Departments, Statutory Agencies and the Voluntary and Community Sectors work together in partnership on the development of national drugs policies and in implementing operational plans to give effect to these policies.

The Department plays a proactive role through representation on the structures which are in place to formulate and implement policy - Cabinet Committee on Social Inclusion; Inter-departmental Group on National Drugs Strategy; National Drugs Strategy Team; National Advisory Committee on Drugs; fourteen Local Drugs Task Forces (Gardaí and Probation & Welfare Officers); the National Assessment Committee for the Young People's Facilities and Services Fund and the National Drugs Strategy Review Team. An external evaluation of the structures and processes associated with the National Drugs Strategy proved very positive and it was agreed that the structures will remain in place for at least another two years.

The National Drugs Strategy Team oversees the development and implementation of Service Development Plans which reflect multi-agency policies in the Local Drugs Task Force areas. The Government approved £10 million on an annual basis to support the implementation of over 200 projects in these Plans. Funding is channelled through the Department for

eleven projects which are facilitated by An Garda Síochána and the Probation & Welfare Service. An external evaluation of the 200 individual projects was undertaken in the year 2000 and to date, following positive evaluations, responsibility and funding of 140 of these projects has been transferred to the relevant State Agencies, including nine to the Department. The Local Drugs Task Forces are currently preparing new Updated Strategy Plans and a further allocation of £15 million was approved by Government in 1999 to support the implementation of the new Plans.

In December 2000, the Government approved additional funding of £10 million, over a three year period, to assist Local Drugs Task Forces in acquiring or upgrading premises from which services and supports can be provided for drug users and their families.

A major review of the National Drugs Strategy was undertaken in 2000, with a view to developing an agreed Government Policy Document early in 2001.

The Cabinet Committee on Social Inclusion approved a joint policy between the Department and the Department of Health and Children on the treatment of drug misusers in the Prisons System. The Prisons Service recently published the First Report of the Steering Group on Prison Based Drug Treatment Services which has identified the resources required at individual prisons to put in place a systematic approach to treatment of prisoners with drug dependencies.

A National Advisory Committee on Drugs was established in 2000, comprising experts in the fields of Research, Health, Education, Justice, Policing, Community Service and Voluntary Service. The Committee has responsibility for research and information on drug issues.

Under the Young People's Facilities and Services Fund, £35 million has been committed over three years to support a variety of capital and non-capital projects, including sport and recreational facilities, targeted at young people "at risk". Integrated Facilities and Services Plans prepared by Development Groups in the Local Drugs Task Force areas and other urban areas of disadvantage have been evaluated by the National Assessment Committee. The National Assessment Committee is currently overseeing the implementation of 295 facilities and services projects.

The Cabinet Committee on Social Inclusion approved additional funding of up to £2.657m in June, 2000, to address shortfalls identified in 44 of the facility projects. The additional funding will allow for 78 of the 87 capital projects approved to be completed by end 2001.

Garda Operations

The Garda National Drugs Unit continues to co-ordinate large scale operations against those engaged in drug dealing/trafficking. Operations involving co-operation with the Customs Authorities have also been undertaken. Local divisional drug units primarily focus on local dealers and operate in divisions throughout the country.

Drug trafficking is an international activity and the Garda National Drugs Unit continues to maintain contact with other law enforcement agencies in EU Member States and beyond.

Garda operations at local level such as Dóchas, Cleanstreet and Nightcap continued to prove effective in targeting on-street drug dealing and distribution of controlled drugs in nightclubs and licensed premises.

The Criminal Assets Bureau

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

The Annual Report of the Criminal Assets Bureau 1999 was published in 2000 and may be purchased from the Government Publications Office. The Bureau, which was established in 1996 in response to the serious problem of drugs and organised crime, is a statutory multi-disciplinary body headed by a Garda Chief Superintendent with staff drawn from An Garda Síochána, the Revenue Commissioners and the Department of Social, Community and Family Affairs. The Bureau's remit is to deprive criminals of their illicit assets, gained through their criminal activities and is regarded by many people, both nationally and internationally, as a model operation. The Bureau's expenditure was £2.798 million during 2000.

The Bureau has undertaken a number of operations in conjunction with the Garda National Drugs Unit, the National Bureau of Criminal Investigation and the Garda Bureau of Fraud Investigation.

Money Laundering

The Money Laundering Investigation Unit (MLIU) is part of the Garda Bureau of Fraud Investigation (GBFI) which is funded under monies allocated to An Garda Síochána. Representatives from both this Department and GBFI participate in the Money Laundering Steering Committee (MLSC)

The Money Laundering Investigation Unit is the national body responsible for the recording, evaluation, analysis and investigation of suspicious transaction

reports received from designated financial bodies. In 2000, over 1,800 suspicious transaction reports with a monetary value of £350 million were submitted to the MLIU, which was an increase of almost 27% over the previous year.

The Financial Action Task Force's second mutual evaluation report on Ireland's anti-money laundering provisions and its summary have been made available to the Dáil library and on the Department's website.

International Co-Operation

UN / Council of Europe / Bilateral Agreements

In December, 2000, the Minister for Justice, Equality and Law Reform signed, subject to ratification, on behalf of Ireland the United Nations Convention against Transnational Organised Crime and two protocols to the Convention: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol against Smuggling of Migrants by Land, Air and Sea. The Department participated in negotiations on the Council of Europe's Draft Convention on Cybercrime during 2000. It is hoped that negotiations on the Convention will be finalised in 2001.

In October, 2000, the Department hosted a study visit under a Joint European Commission/Council of Europe programme on the fight against corruption and organised crime in States of Central and Eastern Europe (Octopus II Programme). This study visit related to the implementation of financial law to combat corruption and organised crime and was attended by Government and law enforcement officials from four of the applicant countries.

The Department of Justice, Equality and Law Reform have been involved in negotiations on bilateral agreements with other countries. Agreements on Drugs and Crime, signed in 1999, came into force with the Russian Federation on 22 July, 2000 and with the Republic of Hungary on 17 August, 2000.

European Union

Action against drugs continued to be a priority for the European Union in 2000, which Ireland actively supported. The EU Action Plan on Drugs (2000-2004) was endorsed by the European Council in June, 2000. It sets out detailed measures to achieve the objectives and targets set out in the EU Drugs Strategy, which was endorsed by the European Council in December, 1999. While the plan addresses itself to EU institutions and bodies, it is also addressed to the Member States and should provide a guide to activities in the drugs field during its lifespan.

The EU Action Plan on Drugs is divided into 5 key areas:-

- (i) Co-ordination;
- (ii) Information and evaluation;
- (iii) Reduction of demand, prevention of drug abuse and of drug related crime;
- (iv) Supply reduction;
- (v) International.

Following on from the 1997 EU Action Plan against Organised Crime, a new strategy, "The Prevention and Control of Organised Crime: A European Union strategy for the beginning of the new millennium", was approved by Council on 27 March, 2000.

This strategy consists of 11 political guidelines and 39

detailed recommendations in relation to the prevention and control of organised crime. Among the detailed recommendations are those in relation to:

- the collection of data on organised crime,
- strengthening the prevention of organised crime,
- preventing the penetration of organised crime in the public and private sectors,
- confiscating the proceeds of crime,
- strengthening the investigation of organised crime,
- strengthening Europol,
- improving law enforcement and judicial co-operation,
- increasing co-operation with third countries,
- strengthening co-operation with the applicant countries and
- monitoring the implementation of the EU strategy on Organised Crime.

A European Union Action Plan on Russian Organised Crime was adopted by Council on 27 March, 2000. The general principle underlying the action plan is to facilitate increased co-operation between the EU and the Russian Federation in the field of combating organised crime. While the action plan is designed to cover all activities associated with organised crime, it specifically states that it will apply to certain forms of such crime which are of particular significance, including trafficking in persons, drugs, arms and stolen property. Other basic principles of the action plan concern judicial and law enforcement co-operation and co-operation with other international fora in relation to organised crime matters.

Mutual Assistance and Extradition

The Department of Justice, Equality and Law Reform has been designated the Irish Central Authority for Mutual Assistance in Criminal Matters for the purpose

of processing requests for mutual assistance/judicial co-operation under international criminal law conventions and agreements to which Ireland has become a party.

The principal role of the Central Authority is to assist the Minister in the discharge of functions under the international co-operation provisions of the Criminal Justice Act, 1994 (Part VII) and to manage and co-ordinate the execution of requests for mutual assistance in co-operation with the various other agencies and offices with responsibilities in this area (e.g. the Attorney General's Office, the Chief State Solicitor's Office, the Office of the Director of Public Prosecutions, the Garda Síochána, the Revenue Commissioners and the Courts).

During 2000, 258 mutual assistance requests were received from abroad, an increase of 21% on the number received in 1999, and 45 requests were sent abroad, an increase of 80%.

The types of request processed by the Central Authority include requests for assistance in the service of judicial documents, the search for and seizure of evidence, the taking of evidence in court, police to police co-operation, production orders, the restraint and confiscation of criminal assets, the exchange of information from judicial records and the temporary transfer of prisoners. Requests can relate to any criminal offence but typically relate to offences of a serious nature such as drug trafficking, violent offences and financial crimes.

Ireland has deposited with the General Secretariat of the Council of the European Union a Statement of Good Practice in Mutual Legal Assistance in Criminal Matters pursuant to an EU Joint Action of 29 June,

1998. The Statement sets out the steps which are taken by Ireland to promote best practice in relation to the execution of requests to Ireland and requests sent from Ireland to other Member States of the European Union.

During the year 2000 the Central Authority participated in negotiations on a number of international initiatives designed to improve the legislative and operational arrangements for mutual assistance, such as,

- the EU Convention on Mutual Assistance in Criminal Matters of 29 May 2000,
- the draft EU Convention on improving Mutual Assistance in Criminal Matters,
- the UN Convention on Transnational Organised Crime,
- the draft Second Additional Protocol to the Council of Europe Convention on Mutual Assistance in Criminal Matters.

A representative of the Central Authority took part, during 2000, in an EU evaluation of the application and implementation in the United Kingdom of international undertakings in relation to mutual legal assistance.

In the course of the year the Central Authority continued to participate in the European Judicial Network. The Network consists of contact points in each EU Member State who provide practical and legal information on the operation of mutual assistance in their respective jurisdictions and generally assist in improving co-operation between Member States.

A Guide to Irish Law and Procedures in relation to Mutual Assistance in Criminal Matters is available from the Department for use by practitioners. The Guide is available in English, Spanish, French, German and Italian.

In relation to requests for extradition, the Department carries out the administrative tasks associated with the specific functions of the Minister, which are provided for in the Extradition Acts 1965 to 1994.

Requests for extradition fall into two categories:-

- requests from countries which are parties to the European Convention on Extradition or with which Ireland has a bilateral extradition agreement; and
- requests under the special extradition arrangements which exist with Britain and Northern Ireland.

The latter category accounts for the bulk of extradition requests, 15 extradition requests were received from Britain and Northern Ireland in 2000 and 1 request was received from another country. The total of 16 requests compares with a total of 25 requests which were received in 1999.

A report on the operation in 1999 of the extradition arrangements with Britain and Northern Ireland was prepared by the Department and presented by the Government to the Houses of the Oireachtas as required by statute.

Following a request by the International Criminal Tribunal for the Former Yugoslavia, the Minister made a successful application to the High Court during 2000 for the issue of warrants of arrest for five persons, pursuant to the International War Crimes Tribunals Act, 1998.

Courts

The Courts Service

The Courts Service was established on 9 November, 1999. The main functions of the Courts Service are to manage the courts, provide support services for the judges, provide information on the courts system to the public, provide facilities for users of the courts and provide, manage and maintain court buildings.

A total of £57.408m was provided for the Courts Vote in 2000. This indicates the Government's continuing commitment to ensuring the availability of the necessary funding to support the Courts Service.

An administrative budget agreement was developed between the Department of Justice, Equality and Law Reform, the Department of Finance and the Courts Service. The purpose of the administrative budget agreement is to (a) improve efficiency, effectiveness and economy in the Courts Service and (b) provide for new systems of accountability for spending on the running costs of the Courts Service.

Role of the Department

Since 9 November, 1999, the Department has shifted its focus from the day-to-day provision of support services for the Courts to a more policy-oriented role. In this respect the Department continues to re-evaluate its role in respect of setting and agreeing policy objectives, service levels and overseeing performance for the new Service.

The Minister is responsible for financing, resourcing and providing policy direction to the Courts Service. Political accountability for the activities of the Service also continue to rest with the Minister.

Judicial Appointments during 2000

Judges are appointed by the President acting on the advice of the Government. The Minister for Justice, Equality and Law Reform is responsible for bringing to Government the names of candidates recommended by the Judicial Appointments Advisory Board for appointment as judges. The Department assists the Minister in carrying out the necessary administrative arrangements.

The overall number of serving Supreme Court Judges (including the Chief Justice) at 31 December, 2000 was 8. During the year there were three retirements. There was an appointment of a serving Supreme Court Judge to Chief Justice and four appointments to the Court.

The total number of Judges serving in the High Court (including the President) at 31 December, 2000 was 26. Four appointments were made during 2000 - one to fill a vacancy due to a retirement, two to replace judges promoted to the Supreme Court and one additional post approved by the Government.

The number of Circuit Court Judges (including the President) at 31 December, 2000 was 27. An additional post was approved by the Government in November, 2000 bringing the approved complement of Circuit Court Judges up to 28. Arrangements for the appointment of this additional judge had not been completed by the end of the year.

The number of Judges (including the President) serving in the District Court at 31 December, 2000 was 50. During the year there were two appointments to the

District Court. One vacancy existed at 31 December, 2000 arising from the death of a District Court Judge in November, 2000.

Drug Courts

The Programme for Government listed as one of its key priorities the creation of a Drug Court system which would involve court supervised treatment programmes for less serious drug-related offences. In accordance with this commitment the Minister requested the Working Group on a Courts Commission to consider the establishment of a Drug Court system in Ireland.

In September, 1998, the Minister published the Fifth Report of the Working Group on a Courts Commission and announced Government approval for the establishment of a Drug Court Planning Committee. The aim of the Committee was to develop an integrated cross-service strategic plan involving court supervised treatment programmes as an alternative to custodial sentences on the basis of the reallocation of resources (both budgetary and staffing) from other programmes, including programmes in the criminal justice area. The Planning Committee recommended, inter alia, the commencement of a pilot project in Dublin's North Inner City to run for a period of 18 months.

In April, 2000 the Minister forwarded the Report of the Planning Committee to the Courts Service for implementation. The Courts Service established a Steering Committee to organise and monitor a Pilot Drug Court in Dublin. The Pilot Drug Court Programme was launched in the Dublin District Court in January, 2001. This pilot programme marks a major policy initiative in the criminal justice system and is

designed as an alternative measure for dealing with less serious and non-violent drug offenders.

Rules Committees

Following the enactment of legislation, court rules are made by the Rules Committees of the respective Courts and forwarded to the Department which liaises with the office of the Attorney General as appropriate and arranges for the submission of these rules to the Minister for concurrence and for publication following signature by the Minister.

District Court Rules

The District Court Rules Committee consists of ten members:- three ex-officio members and seven nominated members. The three ex-officio members are the President of the District Court who is chairman of the Committee, the Chief Executive Officer of the Courts Service, appointed under Section 30 (1) of the Courts Service Act, 1998 and a District Court Clerk nominated by the Minister who acts as a Secretary to the Committee.

Three new rules were made during 2000 by the District Court Rules Committee and they are listed below. These Rules prescribe the procedures and forms to be used by judges and litigants in the transaction of the business which comes within the jurisdiction of the District Courts. The District Court Rules were last consolidated in 1997. There are no immediate plans for further consolidation.

District Court Rules made during 2000

Rules of the District Court - S.I. No. 166 of 2000 - District Court (Offences against the State (Amendment) Act, 1998) Rules 2000.

Rules of the District Court - S.I. No. 196 of 2000 - District Court (Attachment and Committal) Rules 2000.

Rules of the District Court - S.I. No. 238 of 2000 - District Court (Taxes Consolidation Act, 1997) Rules 2000.

Circuit Court Rules

The Circuit Court Rules Committee consists of nine members:- three ex-officio members and six nominated members. The three ex-officio members are the President of the Circuit Court (Chairman of the Committee), the Chief Executive Officer of the Courts Service, appointed under Section 30 (1) of the Courts Service Act, 1998 and the Dublin County Registrar.

Two new Rules were made during 2000 by the Circuit Court Rules Committee. It is hoped to publish a Consolidated set of Rules for the Circuit Court in 2001.

Circuit Court Rules made during 2000

Rules of the Circuit Court - S.I. No. 104 of 2000 - Circuit Court Rules (No. 1) (Domestic Violence Act, 1996), 2000.

Rules of the Circuit Court - S.I. No. 208 of 2000 - Circuit Court Rules (No. 2) (Parental Leave Act, 1998), 2000.

Superior Courts Rules

The Superior Courts Rules Committee consists of twelve members:- four ex-officio members and eight nominated members. The four ex-officio members are the Chief Justice - Chairman of the Committee, the President of the High Court, the Master of the High Court and the Chief Executive Officer of the Courts Service, appointed under Section 30 (1) of the Courts Service Act, 1998.

These Rules prescribe the procedures and forms to be used by judges and litigants in the transaction of the business which comes within the jurisdiction of the High and Supreme Courts. Five new Rules were made during 2000. The Superior Courts Rules were last consolidated in 1986. There are no immediate plans for further consolidation.

Superior Court Rules made during 2000

Rules of the Superior Courts - S.I. No. 66 of 2000 - Rules of the Superior Courts (No. 1) (Powers of Attorney Act, 1996), 2000.

Rules of the Superior Courts - S.I. No. 105 of 2000 - Rules of the Superior Courts (No. 2) (Courts-Martial Appeal Court Rules (Amendment)), 2000.

Rules of the Superior Courts - S.I. No. 329 of 2000 - Rules of the Superior Courts (No. 3) (Documentation for Review of Taxation), 2000.

Rules of the Superior Courts - S.I. No. 327 of 2000 - Rules of the Superior Courts (No. 4) (Amendment of Order 70A), 2000.

Rules of the Superior Courts - S.I. No. 328 of 2000 - Rules of the Superior Courts (No. 5) (Offer of Payment in lieu of Lodgement), 2000.

Criminal Legal Aid

Criminal Legal Aid Scheme

The Criminal Justice (Legal Aid) Act, 1962 and the Regulations made under it provide that free legal aid may be granted for the defence of persons of insufficient means in criminal proceedings. The grant of legal aid entitles the applicant to the services of a

solicitor and, in certain circumstances, up to two counsel, in the preparation and conduct of their defence or appeal. Services are provided through panels of solicitors and barristers who are remunerated on a fee basis.

The cost to the exchequer (inclusive of VAT) of the Criminal Legal Aid Scheme was £19.776m in 2000. The per capita cost is quite favourable when one compares it with other common law countries. The Department is responsible for the administration of the Scheme in the area of policy, preparation of legislation, compilation of estimates and accountability to the Dail. It is also responsible for the payment of legal aid fees and expenses to the legal practitioners who operate under the Scheme.

Legislation

The Criminal Justice (Legal Aid) (Amendment) Regulations, 2000 were made on 20 July, 2000. These Regulations, which came into effect from 1 June, 1999, provide for the payment of a fee to solicitors and barristers in respect of adjourned sentence hearings and scheduled trial hearings which are adjourned within seven days of the trial date in Circuit Court cases outside Dublin under the Criminal Legal Aid Scheme.

The Criminal Justice (Legal Aid) (Amendment) (No. 2) Regulations, 2000 were made on 27 October, 2000. These Regulations provide for an increase in the fees payable under the Criminal Legal Aid Scheme to solicitors for attendance in the District Court and for appeals to the Circuit Court and for an increase to solicitors and counsel in respect of essential visits to prisons and other custodial centres (other than Garda Stations) and for certain bail applications, with effect from 1st October, 2000.

IT Developments

The Department is involved in the development of an electronic claims system to improve the payments system for Criminal Legal Aid. The first phase of this development is at District Court level and it is intended to expand the new system to all criminal courts in due course.

Criminal Legal Aid Review Committee

The Criminal Legal Aid Review Committee was established in January, 1997 to review the operation of the Criminal Legal Aid Scheme under the Criminal Justice (Legal Aid) Act, 1962 and to make recommendations as to the manner in which the Scheme might be improved so that it operates effectively and provides value for money. The terms of reference of the Review Committee included, inter alia, an examination of the possibility of introducing an alternative system for providing criminal legal aid, specifically the introduction of a Public Defender Scheme.

The Committee's Report, entitled "An Examination of the Feasibility of Introducing a Public Defender System for Ireland", was published in February 2000. The Report recommends that the existing system for providing Criminal Legal Aid is the most equitable, effective and economic in the current circumstances.

The Committee also examined the issue of whether a fee should be paid to solicitors for consultations with persons detained in Garda stations and made an Interim Report to the Department.

The Committee is continuing to examine the remaining matters entrusted to it in accordance with its remit, including the issue of means testing and the introduction of a Duty Solicitor Scheme and Contracting. It is intended that the Committee will complete its work by late 2001 and produce its final Report by early 2002.

Garda Station Legal Advice Scheme

The Garda Station Legal Advice Scheme, which will come into operation during 2001, provides that where a person is detained in a Garda station for the purpose of the investigation of an offence and s/he has a legal entitlement to consult with a solicitor and the person's means are insufficient to enable him/her to pay for such consultation, that consultations with solicitors will be paid for by the State.

A fee will be paid for consultations in circumstances where the person is detained under the provisions of the Offences against the State Act, 1939 as amended by the Offences against the State (Amendment) Act, 1998 or the Criminal Justice Act, 1984 or the Criminal Justice (Drug Trafficking) Act, 1996. Persons who are in receipt of social welfare payments or persons whose earnings are less than £16,000 will be eligible to receive assistance under the Scheme. It will initially operate on an administrative basis, be subject to regular review and will be formally reviewed one year after establishment.

Prisons

Good Prison Practice

The last three years have seen rapid development and change across the prison service generally.

Under the guidance of the Prisons Authority Interim Board, appointed by the Minister, and the Director General of Prisons, the management and functions of the Prisons Service are moving to a new independent agency. The changeover to independent Agency status is required in order to best achieve progress on a range of important issues.

New draft rules to replace the 1947 prison rules and almost thirty other legal instruments have been scrutinised and revised by a senior management group including senior operational managers from headquarters and prison governors.

Prisons Authority Interim Board

The Prisons Authority Interim Board was appointed on 26 April, 1999. The Board was established on a non-statutory basis pending the enactment of legislation, the Prisons Service Bill, which will provide for a statutory Prisons Board and Service.

The Board has been tasked with advising the Minister on:

- Guidelines in relation to the management, administration and business of the Prisons,
- A statement on the steps involved in the transition to the statutory Prisons Authority including the senior management structure for the Authority,
- A Strategy Statement and Business Plan,
- Annual budgets and key objectives and targets for the Prisons Service.

The Director General, Mr. Sean Aylward, was appointed on 15 July, 1999 and a transition team, drawing on staff from both the civil service and prison service streams, was set up to sheer the establishment of the new Service.

The Board met a total of 5 times in the year under review.

Good progress has been made during the year towards developing the recommendations of the Expert Group - 'Towards an Independent Prisons Agency' defining a new management structure for the new Service and drafting of the Prisons Service Bill.

A Finance Director, Mr. John Conlan, FCA, was appointed in September, 2000 as part of the new management structure and the filling of other senior management posts, identified by the Expert Group, are well advanced.

Membership of the Prisons Authority Interim Board:

Mr. Brian McCarthy	(Chairperson) Chairperson, FEXCO Ireland
Mr. Sean Aylward	Director General
Ms. Mairead Ahern	County Registrar
Ms. Anne Counihan	Director, Legal and Corporate Affairs, National Treasury Management Agency
Mr. Tom Hoare	Nominee of Irish Congress of Trade Unions, Deputy General Secretary, Prison Officers Association

Mr. Jerry Kiersey	Managing Director, Green Tiger Express
Mr. Eamon Leahy	Senior Counsel
Mr. Frank McCarthy	Prison Governor
Mr. Michael Mellett	Assistant Secretary, Department of Justice, Equality and Law Reform
Ms. Kathleen O'Neill	Community Worker
Mr. Michael Whelan	Human Resources Manager, Guinness Ireland Group
	Deputy Director General (To be appointed)
Ms. Sorcha Murray	Irish Prisons Service* - Group Secretary

** Since replaced by Mr. Niall Cullen*

Prison Overcrowding

Following the completion and opening of Cloverhill Prison and the Midlands Prison in 2000, over 1,200 additional spaces have now been made available under the current prisons building programme. These places are located as follows: - new wing at Limerick Prison (60 places), Castlerea (152 places), Dóchas Centre (80 places), Cloverhill Remand Prison (400 places), Midlands Prison (515). Planning has commenced to provide a further 700 prison places including juvenile centres in Dublin and Cork. The Prison System has reached the stage where it can accommodate those sentenced by the Courts for the full duration of their sentences, with the exception of women prisoners for whom additional accommodation is planned.

Juvenile Offenders

The Department in conjunction with the Irish Prison Service seeks to maintain the correct balance between safe custody and care/rehabilitation of offenders in prison. Striking the right balance is of greater importance in the context of young offenders in

custody. The Irish Prisons Service recognises that young offenders have special needs and require intensive supports if they are to be diverted from a life of crime. Particular emphasis must be placed on their development and rehabilitation affording access to a wide range of support services including education, vocational training, sports and recreation, psychology, probation and welfare, and medical services including addiction counselling.

The Prisons building programme includes provisions for the following accommodation exclusively for children:

- 40 place unit with full support facilities on a dedicated site adjacent to Cork Prison. Planning of this project reached an advanced stage during 2000.
- 110 place unit with full support facilities in the Dublin region comprising separate secure detention for both males and females.

The primary objective of these detention centres will be to afford young offenders the opportunity to develop the skills necessary to avoid future offending by the creative design of high quality purpose built facilities and the provision of high grade support services delivered through a progressive regime tailored to their special needs.

Reducing Recidivism

One of the prime objectives of the Department in conjunction with the Irish Prison Service is to develop and put in place an enhanced range of rehabilitative measures which will be made available to all prisoners. The Department together with the Irish Prison Service provides a range of rehabilitative programmes which have the dual purpose of providing prisoners with

purposeful activity while serving their sentences and encouraging and equipping them to lead non-offending lives on release.

It is anticipated that completion of the prison building and refurbishment programme will greatly facilitate the provision of additional rehabilitative programmes for prisoners and the enhancement of existing programmes over the next 2 to 3 years.

Last year a Steering Group was established to put in place multi-disciplinary prisoner programmes. This Group chaired by a senior Prison Governor comprises representatives from the Department, Senior Prisons Service Management, Probation and Welfare Service, Psychology Service, Prisons Education and the Prison Officers Association.

Prison Officer Recruitment

The recruitment campaign, which commenced in 1997, continued during 2000 and in the course of the year a further 134 Prison Officer recruits went through the training process. This brought the total recruitment to the end of 2000 to 826.

Staff and Operations Review Team

The work of the dedicated Staff and Operations Review Team (SORT), which commenced in November, 1998, continued throughout the year. The Team, comprising senior personnel from the Department of Justice, Equality and Law Reform as well as local Prisons Management, was established to;

- assess the man hours required to deliver agreed regime activities and services, and,
- recommend associated systems of staff attendance and deployment practices.

Co-operation with the SORT review was among the package of measures agreed with the Prison Officers' Association under the PCW.

All institutions have been reviewed and a global report, containing recommendations applicable service-wide, has been produced. This will inform the review of structures, conditions of service and a design of a new blueprint for the future Prison Service which will meet the demands of a modern service without reliance on overtime working. Negotiations with staff representatives, in a dedicated Change Implementation Team, will take place during 2001/2002. The Terms of Reference for the Team (as outlined in the Report of the Prison Service Cost Review Group and the PCW Agreement) are as follows:

- To examine how the tasks of the Irish Prison Service might be undertaken without the need for overtime working, and the changes which need to be made to the management and organisational structure and to the staff conditions of service;
- To consider the introduction of a system of categorisation and allocation based on the level of security and control required to ensure the safe custody of each individual prisoner, taking into account his/her personal characteristics and needs;
- To examine the definition, role and duties of all grades and the payment of personal allowances.

Prison Health Care Developments

In November, 1999, the Minister announced a Review of the Structure and Organisation of Prison Health Care. The Review Group, consisting of representatives of the various professional bodies (GP, Nursing, Dental,

Pharmacy, Psychiatry) directly relevant to prison health care, together with representatives of other interested parties has held a number of meetings during the course of the year. It is expected that a report will be published by late summer, 2001 which will outline and recommend strategic steps to ensure that health care standards and structures in prison match those in the general community at the beginning of the 21st century.

One of the immediate triggers of the Review outlined above has been the increasing difficulty in both recruiting and retaining a variety of health care professionals to provide services within the prisons. These difficulties persisted throughout 2000 and apply not only in the Dublin area but throughout the country.

While the number of nurses has increased (there were 54 in post at the end of 2000), this increase has highlighted the need for a nursing management structure both at headquarters level and at local establishment level. The lack of adequate management and professional input also applies to the area of pharmacy control throughout the prison system.

In August, the Minister launched a report entitled 'General Health Care Study of the Irish Prison Population' which was undertaken by the Department of Health Promotion at NUI Galway. This report comprehensively documents the overall health status of current prisoners and provides much useful information in relation to identifying healthcare priorities for the prison population.

The Connect Project

Connect 2000-2006 is an action-research project which is run by the Department in collaboration with the National Training and Development Institute (NDTI) of the Rehab Group. It is funded through the National Development Plan. The project focuses on prisoners' transition from custody, through training, on to re-integration in the community and labour market participation. The project was run on a pilot basis under funding from the EU INTEGRA Employment Initiative from 1998-2000. Research was carried out and based on this research, pilot strategies and systems were developed and implemented to fill the gaps discovered in current vocational preparation programmes for prisoners and to improve the employability of offenders in Mountjoy, the Dóchas Centre and the Training Unit. The project will now be expanded to every prison in the State during the period 2000-2006.

Pre-vocational training programmes developed by CONNECT provide prisoners with the opportunity and encouragement to make well-informed choices about how to use their time in custody. An Individual Programme Planning system was developed to provide support and structure activities to help the person reach their vocational, social and personal goals. CONNECT has also extended the number of certified vocational training programmes and systems in the prisons. The project is also establishing practical links between the prison, training, other developmental opportunities, community-based services and employment opportunities.

Prisons Building and Refurbishment

Government approval was obtained in May, 2000 for

the provision of a further 700 closed prison places at Castlerea, Cork, Limerick and at a new site in the Dublin area and outline planning commenced on these projects which include a new female unit at Limerick Prison. Work continued throughout the year on a wide range of projects including the ongoing general refurbishment and improvement of prison accommodation and facilities. These included additional accommodation and facilities at "Unit A", a new Courthouse and visiting facilities - all at Castlerea, a new kitchen at Fort Mitchel and major heating and electrical works at Shelton Abbey.

Other developments included the extension of a specially developed prisoner's telephone system in a number of institutions.

Juvenile Detention Centres

Arising from the provisions of the Children Act, 2001 new dedicated facilities will be required for juveniles aged 16 to 17 years. Preparations and planning for the provision of these commenced during the year. It was decided to locate a 40 place unit for boys on a site adjacent to Cork Prison with a further 110 places for both males and females to be located in the Dublin area on suitable site(s) yet to be determined.

Mountjoy Complex Redevelopment

The Mountjoy Complex Redevelopment Group issued its first report in May, 2000. The Report recommended the total redevelopment of the complex as a single integrated entity. A Second Report from the Group, with detailed proposals for the complex, is due during 2001.

New Midlands Prison

The new Midlands Prison was inaugurated by the Minister on 9th November, 2000. The prison has a capacity of 515 places and includes a specially designed segregation unit which can accommodate 40 prisoners. Another notable feature of the prison is the use of modern technology including new locking systems.

Probation and Welfare Service

The Probation and Welfare Service's mission is to foster public safety and promote the common good by enhancing the recognition and use of community based sanctions, thereby reducing the level of re-offending.

The strategic objectives of the Service are:

- To assist courts in sentencing decisions by presenting pre-sanction reports that explore what is needed to prevent re-offending and that specify what community-based programmes could be put in place towards this purpose.
- To design, provide and promote a range of effective supervision programmes that will challenge and motivate offenders to review their attitudes and behaviour; to understand and accept their responsibilities and to make use of the support and specialised expertise made available.
- To involve significant community interests, non-governmental organisations, business and local residents in planning and managing probation projects and facilities to enhance the operation of community based sanctions.
- To provide specialist information and appraisal of both current functioning and new developments in community sanctions and measures, internationally as well as domestically.

The Service provides a welfare service to prisons, places of detention and other institutions. Functions carried out by the Service at these institutions include:

- assisting those in custody through individual and group work to address personal and family difficulties;
- facilitating offenders to confront their offending behaviour; to take responsibility for their actions, to develop awareness of the effects of offending on victims and others, to enhance pro-social behaviour and reduce their potential for re-offending;
- focusing the attention of those serving custodial sentences or committed to training schools for young offenders to dealing with their criminal activity and other social handicaps and putting in place suitable arrangements to guide and follow through with those released under supervision;
- helping offenders to develop greater order in their lives and make appropriate plans for resettlement on their release from custody;
- developing and implementing, in co-operation with others, appropriate plans for resettlement and reintegration of offenders into the community;
- facilitating and utilising community resources to meet accommodation, training and treatment needs;

- co-ordinating the activities of voluntary groups and other agencies dealing with those in custody.

In 2000, the budget for the Service was £21.12m of which £5.234m was paid out in grants to probation hostels, workshops and other projects and facilities used by the Service. A number of new projects were set up at Blanchardstown Offenders for New Directions (BOND), Victims/Offenders Mediation, Tallaght, the Ruhama Women's Project (dealing with prostitution) and at Moyross and Southill, Limerick. Seven new minibuses were purchased for established projects to involve the young participants in a variety of educational activities. The minibuses will enhance the scope of the Projects to include in their programmes a wide range of educational and social opportunities outside the Project base at the Athy Alternative Project, Ceim ar Ceim, Moyross, Limerick, Lionsville Probation Hostel, Dublin, Treble R Industries, Dublin, WHAD (We have a Dream), Dublin, Waterford Probation Residence and Aisleigh House, Clonee, Co. Dublin. This brings the total number of minibuses purchased by the Service to thirteen (six in 1999 and seven in 2000).

The seven Employment/Training Support Workers employed by the Service, with the assistance of European Union funding completed their programme in July, 2000. Following the programme, an agreement was entered into with Dublin Business' in the Community and funding was approved under the National Development Plan to develop the Linkage Programme. The Service also assisted five other projects aimed at combating social inclusion under the National Development Plan.

In 2000, the Service published two reports. The first

report entitled "An Empirical Study of Community Service Orders in Ireland" by Dermot Walsh, Director of the Centre for Criminal Justice at the University of Limerick was the first time an evaluation of the operation of the Criminal Justice (Community Service) Act, 1983 had taken place. The second report entitled Young Offenders in Penal Custody was carried out by the Services Resource Unit of the Probation and Welfare Service to examine the use of community sanctions and measures with young offenders.

Following the two reports published by the Expert Group reviewing the Service, the recommendations in the First Report are currently being implemented and the Final Report is being advanced by the Department.

Petitions

The 1995 High Court Judgement on petitions stated that the power of clemency which the Minister may exercise must be used sparingly and only in special and exceptional circumstances. As a consequence of applying the High Court Judgement to the assessment of petitions/applications to open a petition, approximately 99% of petition cases which the Minister has adjudicated on have had to be refused.

1,787 decisions issued to petitioners in the year 2000. The number for the preceding year was 2226. A total of 5865 decisions, including applications to open a petition, have issued since the commencement of a petitions clearance programme whose purpose was to eliminate the backlog which developed pursuant to the High Court Judgement. There are currently about 400 petitions/applications to open a petition awaiting decision.

Peace Commissioners

The Minister is empowered by statute to appoint (and remove) by warrant so many fit and proper persons as s/he shall think expedient in each county to perform the duties of Peace Commissioner within such county and within the counties immediately adjoining such county. Peace Commissioners are appointed as the need arises in particular areas. Generally, a local Dail Deputy or Senator nominates a person considered suitable for appointment. A local Garda Superintendent sometimes requests an appointment in the public interest. While there is no particular number required in any district per head of population, there are usually a greater number of Peace Commissioners in the more densely populated areas.

A Peace Commissioner is required to be of good character and s/he is usually well established in the community. Civil servants are usually only appointed in an ex-officio capacity, i.e. where the performance of

their official duties requires the appointment. Solicitors and persons employed in solicitors' offices and members of the clergy are considered ineligible for appointment. Persons convicted of serious offences, including drunk driving and driving without insurance offences, are considered unsuitable for appointment.

The appointment is of an honorary nature and there is no remuneration or compensation from public funds for exercising his/her powers and duties. Neither is a Peace Commissioner entitled to charge or receive for his/her own benefit any fee or compensation from members of the public for his/her services.

There were 145 persons appointed to the Office of Peace Commissioner in the year under review; 55 Peace Commissioners resigned, died, or were removed from Office during the year. The number on the Register of Peace Commissioners at year's end was 7,278.

Northern Ireland

Northern Ireland and the Peace Process

The Department was active throughout 2000 in implementing the Government's commitments in the Good Friday Agreement in respect of those areas for which it is responsible. It continued to liaise closely with the Independent International Commission on Decommissioning, which has offices in both Dublin and Belfast.

The Department participated in the institutions established by the Good Friday Agreement. Many of the matters which fall within the competence of the British-Irish Council and the British-Irish Intergovernmental Conference fall within the Department's remit.

Work proceeded on developing an implementation plan in respect of the recommendations in the report of the Victims' Commission, which conducted a review of services and arrangements in place in this jurisdiction to meet the needs of those who have suffered as a result of violent action associated with the conflict in Northern Ireland. The Independent Commissions of Inquiry into the Dublin/Monaghan bombings of 1974 and the Dundalk bombing of 1975 carried forward their work.

The Committee appointed by the Minister to carry out a wide-ranging review of the Offences Against the State Acts, 1939-1998, which is chaired by former Supreme Court judge Mr Justice Anthony Hederman SC, continued its work.

Human Rights

Human Rights Division

Under the terms of the 1998 Good Friday Agreement on Northern Ireland, the Government undertook to further strengthen and underpin the constitutional protection of human rights in this jurisdiction and, drawing upon the work of the All-Party Oireachtas Committee on the Constitution and the Constitution Review Group, to bring forward measures accordingly. The proposals in this area were to draw mainly on the European Convention on Human Rights and the question of the incorporation of the Convention into Irish law was to be further examined in this context. The Government also committed itself to establish a Human Rights Commission in the State which would have a mandate and remit equivalent to the Commission then to be established in Northern Ireland. The Department of Justice, Equality and Law Reform was given responsibility in both these respects and the Minister established a Human Rights Division with responsibility for formulating the relevant proposals.

Incorporation of the Convention on Human Rights

Bearing in mind the fact that Ireland was one of the first signatory States of the Convention in 1953, the fact that the Convention is already law for Ireland on the international plain since that time, and the fact that the 1937 Constitution already contains a written

statement of fundamental rights chosen by the people, unalterable save by the wish of the people, and made superior and justiciable at the instance of the individual over all other law in both theory and practice, the Government has decided nevertheless to give further and better effect to the provisions of the Convention in Irish law by means of legislation. In doing so, the Government is mindful particularly of its obligations under the Good Friday Agreement, as well as the practice by the States that are parties to the Convention to incorporate its provisions into their domestic law in some shape or form. The drafting of a Bill, which will provide that rights under the Convention can be pleaded in Irish Courts, instead of having to take a case to the Court of Human Rights in Strasbourg (and then only after exhausting all local remedies), was undertaken during 2000.

Human Rights Commission

The Government's initial proposals regarding the establishment of a Human Rights Commission were published in 1999 for the purposes of consultation and debate. A Bill taking account of the views of interested parties was later enacted as the Human Rights Commission Act, 2000 in May, 2000. The Government appointed the former distinguished Judge of the Supreme Court and of the Court of First Instance of the European Court of Justice, Mr. Donal Barrington, to be the first President of the Commission. The process of appointing persons to the positions of Ordinary Commissioners was also progressed.

International Issues

International Issues

Justice and Home Affairs (JHA) is a rapidly growing policy-making area of the European Union, following on the entry into force of the Amsterdam Treaty, which sets as an objective the development of the Union as an area of freedom, security and justice, and the policy orientations and priorities set out in the conclusions of the Tampere European Council (1999) directed towards this end.

The Department's involvement in EU matters is primarily on two fronts, on the one hand, participation in Council working groups and committees, 40 in total up to and including the Justice, Home Affairs and Civil Protection Council, covering the broad range of JHA matters, and on the other hand, preparation of the legislative measures to give effect to decisions of the Council.

Asylum and Migration

1. A decision was adopted setting up a European Refugee Fund which is intended to help achieve a balance in the efforts by Member States in the field of the reception, integration and voluntary repatriation of refugees and displaced persons.
2. A regulation was adopted on the establishment of Eurodac, a system for the comparison of fingerprints which will assist the effective application of the Dublin Convention and facilitate the identification of the Member State responsible for examining asylum applications.
3. The Council proposed guidelines, arising from discussions among Member States, for the reception of asylum seekers for consideration by the Commission.

4. A decision was also adopted on the improved exchange of information to combat counterfeit travel documents.

Judicial Co-operation

1. The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union was adopted. It will require ratification to come into force. It covers many issues, including setting out rules regarding assistance, documents and contacts between authorities involved in mutual assistance.
2. The "Brussels II" Regulation which defines the rules of jurisdiction and the rules on recognition and enforcement of judgements in matrimonial matters was adopted. This regulation will enter into force on 1 March, 2001.
3. It was agreed to establish a Provisional Judicial Co-operation Unit as a forerunner to the establishment of a body to be known as Eurojust. The functions of the Unit are to improve co-operation between national authorities in the investigation/prosecution of serious crime involving two or more states and assisting with the establishment of Eurojust.
4. The Council adopted a Regulation on the service in Member States of judicial and extrajudicial documents in civil and commercial matters, aimed at speeding up and facilitating the service of documents. The regulation provides for the use of modern transmission methods.

5. A Framework Decision aimed at increasing protection against counterfeiting, particularly counterfeiting of the euro, through penal and other sanctions was adopted.

6. Political agreement was reached on the regulation on jurisdiction and enforcement of judgements in civil and commercial matters, which is designed to simplify the circulation of judgements in the European Community.

Organised Crime

1. A new EU Action Plan to tackle organised crime entitled *The prevention and control of organised crime: a European strategy for the beginning of the new millennium*, was adopted. It follows up on the 1997 Action Plan.
2. The EU Action Plan on common action for the Russian Federation on combating organised crime was also adopted.

Police Co-operation

1. The Council adopted a decision to combat child pornography on the Internet, aimed at combating the production, processing, distribution and possession of child pornography and promoting effective investigation and prosecution of offences.
2. A decision was adopted on the establishment of the European Police College with the aim of helping to train the senior police officers of the Member States.
3. An act was adopted extending Europol's mandate to cover money-laundering.

Equality Issues

Employment Equality

The Employment Equality Act, 1998

The Employment Equality Act, 1998 came into operation on 18 October, 1999. The Act outlaws discrimination in employment on nine grounds - gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community and provides Ireland with one of the most advanced models of employment anti-discrimination legislation in the EU.

The Minister issued two certificates under section 33(3) of the Act which exempt from the scope of the legislation, training or work experience provided by or on behalf of the State for disadvantaged groups, where in the absence of the exemption, the groups concerned would be unlikely to receive such training or work experience. The effect of the certificates is to exempt the following courses run by FÁS from the scope of the Act -

- Social Economy Programme
- Community Employment - The Part-Time Integration Option
- Community Employment - The Part-Time Job Option
- Job Initiative
- Employment Action Programme and
- Community Training Workshops Schemes.

Article 13 of Amsterdam Treaty

Political agreement was reached on a Council Directive establishing a general framework for equal treatment in employment and occupation on 17 October, 2000.

The Directive, (2000/78/EC) which was adopted on 27 November, 2000, prohibits discrimination in relation to

employment and occupation and access to self employment on grounds of religion or belief, disability, age and sexual orientation. The Directive will have to be implemented within three years of adoption except in the case of the age and disability provisions where Member States may, if necessary, have an additional three years for implementation. Implementation of the Directive will necessitate a number of amendments to the Employment Equality Act, 1998.

Family Friendly Policies in Ireland

Review of Maternity Protection Act, 1994

In accordance with commitments in the Government Action Programme for the Millennium and the Programme for Prosperity and Fairness, a Working Group was set up by the Department in 2000 to review and improve maternity protection legislation. The Working Group comprised representatives of the social partners and relevant Government Departments and agencies. All the recommendations of the Working Group were approved by the Government in December 2000. On foot of the recommendations of the Working Group an increase in maternity leave (which attracts payment) of 4 weeks (increasing the entitlement from 14 weeks to 18 weeks) and an increase in additional unpaid leave of 4 weeks (increasing the entitlement from 4 weeks to 8 weeks) were announced by the Minister for Finance as part of Budget 2001 in December, 2000. It was decided, in the interests of equity, to apply the increases in maternity leave to adoptive leave.

The Parental Leave Act, 1998

The Parental Leave Act, 1998, which came into operation on 3 December, 1998, provides an individual and non-transferrable entitlement to both parents to 14 weeks unpaid leave from work to take care of young children. The leave must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child. The Act was amended with effect from 19 July, 2000, by means of Regulations (S.I. No. 231 of 2000 - European Communities (Parental Leave) Regulations, 2000) under the European Communities Act, 1972, to give effect to a Reasoned Opinion from the EU Commission in respect of the implementation of the Parental Leave Directive (96/34/EC). The effect of this amendment is to provide an entitlement to 14 weeks unpaid parental leave to parents of children born between 3 December, 1993 and 2 June, 1996 or children born on or after 3 December, 1993 and in whose case an adoption order was made between 3 December, 1993 and 2 June, 1996; this leave must be taken not later than 31 December, 2001.

Family Friendly work arrangements in small and medium sized enterprises

In June 2000, the Minister launched a report commissioned by the Equality Authority with funding sourced under the Department's Equal Opportunities Childcare Programme. This report "Investing in People - Family Friendly work arrangements in small and medium-sized enterprises" sought to identify the range of family-friendly work arrangements already in place in small and medium-sized enterprises, examine the practicality of these arrangements and make recommendations for implementing family-friendly arrangements more widely in the small and medium-sized enterprise sector.

National Development Plan

National Development Plan 2000-2006

The Department is responsible for implementing the following measures under the National Development Plan (see relevant section for full details):-

- Childcare
- Equality for Women
- Crime Prevention (Prison Service Training and Development & Probation and Welfare Service),
- Youth Services (Garda Youth Diversion Programme)
- NDP Gender Equality Unit

In addition, the Equality Authority is responsible for implementing the Technical Assistance Equality Measure in the Employment and Human Resources Operational Programme. This Measure is to support the labour market integration of particular categories including people with disabilities, refugees and Members of the Traveller Community.

The Department is also chairing a newly established committee set up under the National Development Plan, the Equal Opportunities and Social Inclusion Co-ordinating Committee. The role of the Committee is to support the maximum application of commitments on equal opportunities, particularly gender equality, and social inclusion within the Plan. The Committee will assess achievements in these areas relating to expenditure under the Plan, promote the implementation of a mainstream approach to these issues and identify best practice for advancing equal opportunities and social inclusion. The work of the Committee will be supported by a new NDP Gender Equality Unit established in the Department and a new Equality Unit established within the Department of

Education and Science, a Technical Assistance Equality Unit established within the Equality Authority and the NAPS Unit of the Department of Social, Community and Family Affairs.

Gender Equality

Equality for Women Measure of the National Development Plan

The Department has been allocated a sum of IR£23.2 million under the Equality for Women Measure of the National Development Plan to promote equality for women. This funding is located in the Regional Operational Programmes and will support initiatives in the following areas:

- Up-skilling and re-training of women employees;
- Encouraging entrepreneurship and career development among women;
- Innovative projects for disadvantaged women and women over 50 years of age;
- Support women in decision making;
- Gender proofing of personnel practices;
- Employment family friendly project and sharing of family responsibilities;
- A research and information campaign for return to work women.

The framework for implementing the Measure was developed in 2000. The Minister for Justice, Equality and Law Reform announced details of the Measure on the 5th October, 2000 and invited project proposals for the first four strands listed above. Over 350 applications were received in response to this request. The project proposals will be assessed in relation to the criteria set for the Measure. The Minister for Justice, Equality and Law Reform will announce the projects which qualify for funding. A public tender

seeking technical support for the Measure was also advertised in 2000.

The Family Friendly strand will be delivered by a National Framework Committee established under the Programme for Prosperity and Fairness to support the development of family friendly policies at the level of the enterprise. The Equality Authority is delivering the gender proofing of personnel policies on behalf of the Department and advertised for a panel of experts to carry out this work. In addition, a number of research projects are being funded under the Measure.

Male/Female Wage Differentials

The Economic and Social Research Institute (ESRI) study, *'How Unequal? Men and Women in the Irish Labour Market'*, was launched by the Minister for Justice, Equality and Law Reform on 9 October, 2000. This research updates the 1994 study by the ESRI on male/female wage differentials using data from the 1994 Survey of Income Distribution, Poverty and Usage of State Services and the 1997 Living in Ireland Survey. This data includes all economic sectors and benefits such as pensions. It records a narrowing of the gap in hourly earnings between men and women. The 1997 data shows that women earn 84.5% of the average male wage as compared with 80% in 1987 and 82% in 1994. Most of the remaining gap of 15.5% arises from the fact that women are younger and have six years less labour market experience over their working lives than their male counterparts. This loss of experience is linked to absences involving child-bearing and child-rearing. When this difference is taken into account, the gap between male and female hourly earnings narrows to 5%.

This research contains the most comprehensive and up-to-date data on this subject and complements the

CSO figures on manufacturing industry which show a wider gap of 28% between male and female earnings. The CSO figures relate to one in five of women workers and are not representative of the full economy. The research found that equal opportunity legislation has had a positive effect on women's wages and advised further efforts to promote equality in the workplace including more intensive monitoring of equal opportunity issues.

In accordance with a commitment in the Programme for Prosperity and Fairness, a consultative group, including representation from the Department of Justice, Equality and Law Reform, the Department of Enterprise, Trade and Employment and the social partners will be set up to:

- Consider the recommendations of the ESRI research including the case for a sectoral analysis in both the public and private sectors
- Develop proposals for action/s to address issues identified in the Report for consideration by Government.

The Equality for Women Measure announced by the Minister for Justice, Equality and Law Reform on 5 October, 2000 will provide funding to projects including proposals aimed at addressing vertical and horizontal segregation in the labour force and will also fund the Equality Authority to carry out gender audits in employment.

State Boards

Since the introduction of a Government policy of a representation of 40% of both genders on State boards in 1993 the overall percentage of women on State boards has risen from 15% in 1992 to 28% at December, 2000 and Government and Ministerial

appointments had increased from 17% to 34% during the same period. A number of pieces of recent legislation provide for gender balance on specific state boards. For example, the Employment Equality Act, 1998 which provides for the establishment of the Equality Authority (to replace the Employment Equality Agency) provides that at least 5 of the 12 board members must be female and 5 male.

National Plan for Women

The UN General Assembly met in Special Session in June 2000 to review and appraise progress in implementing the Platform for Action and to agree strategies to accelerate implementation. The Irish delegation was headed by the Minister for Justice, Equality and Law Reform. The meeting adopted a Political Declaration and an *Outcome Document* outlining further actions and initiatives to implement the Beijing Declaration and Platform for Action. The Outcome document calls on governments to "...adjust or develop national (action) plans for the future".

In recognition of this requirement, and other commitments the Department of Justice, Equality and Law Reform commenced work in 2000 on the development of a *National Plan for Women 2001 to 2005*. The contract to assist in drawing up a draft National Plan was awarded in December, 2000. Upon finalisation of the draft National Plan, an extensive consultation process will be entered into by the Department of Justice, Equality and Law Reform.

The Department of Justice, Equality and Law Reform commissioned research to, inter alia, develop mechanisms to monitor progress in achieving gender equality in Ireland. Indicators have been developed for use in measuring the practical impact of policies and programmes on the status of women and to meet

gender monitoring requirements under various national and international commitments. The report entitled 'The Development of Mechanisms to Monitor Progress in Achieving Gender Equality in Ireland' was finalised in December. The report will assist the development of the National Plan for Women.

Support to the National Women's Council of Ireland

The National Women's Council of Ireland (NWCI) is the national umbrella organisation representing approximately 150 non-governmental women's organisations at national, regional and local level. The Council receives an annual grant from the Department.

The NWCI received a grant of £400,000 from the Department in 2000 for general administration, salaries and overheads.

In addition, the Council received a once off grant of £16,000 towards costs associated with preparation for the UN General Assembly Special Session Women 2000: Gender Equality, Development and Peace for the 21st Century.

Equality in Society

Equal Status Act, 2000

The Equal Status Act, 2000, which was initiated by the Minister in 1999 and enacted in April 2000, was brought into operation from 25 October, 2000. This Act gives protection against discrimination in non-workplace areas and thus complements the Employment Equality Act, 1998. The Act prohibits direct and indirect discrimination on the grounds of gender; marital status, family status, sexual orientation, religion, age, disability, race, colour; nationality, national or ethnic origin and membership of the Traveller community and "victimisation", where an individual is

treated less favourably as a result of having participated in processes under the legislation. The Act covers all goods and services which are available to the public, whether on payment or not and irrespective of whether provided by the public sector or private sector. "Services" are defined broadly to include access to public places, banking and insurance services, entertainment, travel, transport, professional services, education, disposal of premises and provision of accommodation and registered clubs. The provisions of the Act are subject to some exemptions. Under the Act, the Equality Authority and the Office of the Director of Equality Investigations had their remit broadened to include equal status matters, with effect from the above commencement date.

European Union anti-discrimination strategy

The Department participated in EU negotiations during 2000 on actions under Article 13 of the Treaty (as amended by the Amsterdam Treaty). Article 13 allows the Community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Under Article 13, the Council of the European Union considered and adopted, during 2000, two anti-discrimination Directives addressed to Member States and a Council decision establishing a Community Action Programme to combat discrimination, as follows:

- **Race Directive**

A Directive adopted on 29 June, 2000 **[2000/43/EC]** implementing the principle of equal treatment between persons irrespective of racial and ethnic origin. The Directive covers employment but extends beyond the workplace to goods and services and areas such as social security, health-care, social advantages (e.g. concessionary travel), education and cultural activities. This Directive is to be transposed by July 2003.

- **Employment Directive**

A Directive adopted on 27 November, 2000 **[2000/78/EC]** establishing a general framework for combating discrimination in employment and occupation on grounds of religion or belief, disability, age or sexual orientation. This Directive is to be transposed by December 2003 (subject to a limited extension until December 2006 for the provisions relating to age and disability discrimination).

- **Community Action Programme**

A Council decision also adopted on 27 November, 2000 **[2000/750/EC]** establishing a Community Action Programme for the period 2001 to 2006 to support the efforts of Member States to combat discrimination across the EU. Funding of 98.6 million euro is being allocated from the EU budget over the lifespan of the Programme.

The Commission had tabled this three-fold package of anti-discrimination measures at the end of 1999 and, during 2000, Ireland participated, both at Ministerial and at official levels, in the intensive EU deliberations which resulted in speedy finalisation of these three instruments. The Directives are 'framework Directives' which, while setting certain minimum standards, are intended to give flexibility to Member States in their implementation. Neither Directive extends to discrimination on grounds of gender as this is dealt with separately under a separate programme. Giving full effect to the two Directives will require amendments to the Employment Equality Act, 1998 and the Equal Status Act, 2000, which will be brought forward following examination of the Directives by the Department to this end. A Programme Committee is in place to assist and advise the European Commission in the implementation of the Community Action

Programme activities. Ireland is represented on the Committee by officials of the Department.

Equality Proofing

Equality proofing is a process whereby policies are evaluated for any possible adverse impact on groups protected by equality legislation. As recommended by the Partnership 2000 Report on Equality Proofing, a Working Group was convened on 18 October, 2000 to provide an ongoing focus over a three year period on equality proofing issues. The Working Group is chaired by an official from the Equal Status Division of the Department. The first phase will include a number of pilot projects, e.g., selected measures in employment/education under the National Employment Action Plan, a legislative proposal, proofing of County Development Strategies and a public private partnership initiative. The Working Group will oversee implementation of the pilot projects.

The Equality Authority are developing a number of projects to support equality proofing including:

- a joint project with the Combat Poverty Agency to assist proofing for inequalities likely to lead to poverty, and
- a project with the Directors of Community and Enterprise and PLANET to support equality proofing County Development Board strategy plans.

Task Force on the Travelling Community

In June 1998, the Minister for Justice, Equality and Law Reform established a Committee to Monitor and Co-ordinate the Implementation of the Recommendations of the Task Force on the Travelling Community. The Committee, which is chaired by this Department is

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

The first progress report on the implementation of the recommendations of the Task Force has been published.

Traveller Communication Strategy

2000 was the second year of the Traveller Communication Programme, entitled "Citizen Traveller" which is funded by the Department (£300,000 per year over a three-year period). A number of projects and activities took place during the year as part of the campaign, including a market research survey, a Traveller focus week, media skills training for Traveller organisations, outdoor advertising, radio advertisements, media workshops and the circulation of information packs.

The "Citizen Traveller" campaign aims to address the underlying causes of mistrust between Travellers and the settled community and to promote a greater understanding between both communities. Its overall strategy is divided into a number of distinct programmes, i.e. market research, lobbying, media relations advertising/promotions, appropriate training, and ongoing community activities involving settled and Traveller communities.

Racism

National Consultative Committee on Racism and Interculturalism

The National Consultative Committee on Racism and Interculturalism was established in July 1998, with funding from the Department. The Committee is a partnership of non-governmental organisations, state agencies, social partners and Government Departments. The Department provided the

Committee with an allocation of £150,000 to fund its programme of activities in 2000.

The Committee's programme for 2000 included:

- The establishment of a training unit which has provided anti-racism awareness raising training to Government Departments, national media organisations, the equality authorities, trade unions, employer and community organisations.
- The establishment of a community development unit to provide assistance and support for community groups working with refugees and asylum seekers.
- An anti-racism protocol signed by the main political parties.
- The drawing up of the evaluation report for £4.5m anti-racism public awareness programme, approved by Government.
- Assisting the national preparations in Ireland for the European and World Conferences on Racism.
- Designation by the European Monitoring Centre on Racism of the NCCRI in partnership with the Equality Authority as the national focal point on racism in Ireland and the undertaking of a European wide mapping exercise on anti-racism.

National Anti-Racism Public Awareness Programme

On 24 October, 2000, the Government approved proposals from the Minister for Justice, Equality and Law Reform for a comprehensive Public Awareness Programme to be co-ordinated by the Department. A core budget of £1.5 million per annum over a three-

year period commencing in 2001 was approved. An evaluation, carried out by the National Consultative Committee on Racism and Interculturalism at the request of the Department, will provide the overall framework for the Programme.

The primary objectives of the programme are to act as a catalyst to stimulate public awareness and understanding of cultural diversity in Ireland, to help create the conditions that make it more difficult for racism to exist, and to contribute to the range of policies that promote an inclusive approach to minority ethnic groups, including refugees and asylum seekers.

A High Level Steering Group, with an independent chairperson, will be established to implement the programme in partnership with the Equality Division of the Department of Justice, Equality and Law Reform.

The approach for the programme is based on partnership and seeking to develop initiatives that have the potential to have a sustainable impact. The programme will consist of actions and initiatives in the area of media and communications, education, community and local development, political parties and other elements such as the workplace, policing, sport and the role of religious organisations.

United Nations - World Conference on Racism 2001

The UN World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance will take place in Durban, South Africa from 31 August to 7 September, 2001. The Council of Europe organised a European Regional Conference on Racism in Strasbourg from 11th to 13th October, 2000. The Department of Justice, Equality and Law Reform participated, at official and at Ministerial level in the European preparations and shall participate in the World Conference.

Childcare

National Development Plan Funding for Childcare

Childcare was identified as a priority in the National Development Plan which is providing £250 million to the Department through the BMW and SE Regional Operational Programme to fund the development of childcare provision over the period 2000 to 2006. The Department of Justice, Equality and Law Reform has overall responsibility for the implementation of the childcare programme and for the expenditure of this National Development Plan funding. The overriding objective of this programme is to increase the number of childcare places in both the community and private sectors and to improve the quality of childcare.

The Plan enables the Department to provide for the further development and expansion of childcare facilities to address the needs of men and women in reconciling their childcare needs with their participation in employment, training and education. It supports objectives such as the provision of diverse childcare which meet the needs of the child, increase the number of trained personnel working in childcare and improve co-ordination and delivery of childcare. It has both an equal opportunities and a social inclusion focus.

In December, 1999, the Minister announced the following details of the Department's plans for the expenditure of the money available over the course of the National Development Plan:

- capital grants, for the first time, for self-employed childcare providers catering for not more than 20 children at any one time;
- capital grants to community groups and

organisations which operate on a “not for profit” basis for the establishment, upgrading and enhancement of childcare facilities;

- staffing grants to community groups and organisations which operate on a “not for profit” basis for childcare personnel in childcare services;
- support for the expansion and improvement of childcare training in Ireland;
- grants to enhance the National Voluntary Childcare Organisations;
- grants towards the development of local childcare networks to encourage and enable the formation of networks to reduce isolation and provide mutual support for childcare service providers.

The availability of application forms for the following grants, from the Department’s Equal Opportunities Childcare Section, were advertised on 26 April 2000:

- Capital grants for community based/not-for-profit organisations;
- Staffing grants for community based/not-for-profit organisations;
- Capital grants for self-employed childcare providers catering for not more than twenty children at any one time.

Anti-inflationary package for childcare

In relation to the anti-inflationary package to counter inflation and protect living standards, the Government

decided to allocate an additional £40 million, over and above the £250 million allocation in the National Development Plan, to the development of childcare.

On 18 October, 2000, the Minister announced details of the £40 million package, of which £26.5 million has been allocated to the Department, to expand the number of childcare places available throughout the country. Amongst the areas to be funded through new grants are schemes to use spare school classrooms for childcare, the introduction of a national after-school childcare programme and the first ever national initiative to help childminders.

The proposals, which will address certain gaps in existing schemes and extend support to new areas of the childcare sector, were developed following an extensive round of consultations with the social partners. The funding allocated to the Department is as follows:

- £9 million for **capital grants for commercial providers of more than 20 childcare places** to allow private childcare providers to establish or improve childcare facilities. The availability of grants under this measure was advertised in the national media on 29 November, 2000.
- £5 million to provide grants for **community-based childcare facilities** which do not qualify for existing grants schemes including grants for very small capacity-building projects (less than £1,500).
- £1 million for **improved staffing grants for community-based projects** which will allow staffing grants of up to £80,000 to be allocated to these projects.

- £6½ million for a **National Childminders Initiative** - the first national initiative targeted specifically at childminders which will include start-up grants, information campaigns and other supports.
- £5 million for **improving quality through training and research** to ensure that people working in childcare can progress in their careers and that the highest standards are achieved in childcare. This initiative will also include the commissioning of research into parents' use of childcare and their childcare needs.

The balance of the funding was allocated to a number of other Government Departments.

National Childcare Census and Database

During 2000, the Minister launched the County Childcare Census reports which provide information in relation to child population, the level of supply of group based childcare facilities and the likely future demand for such services on a county by county basis.

Executive summaries of the County Childcare Census reports are available to the public on request. Work by ADM Ltd, on behalf of the Department, commenced on the compilation of the National Childcare Census report.

Co-ordination of Childcare Service Delivery

In early December, 1999, the Minister announced the establishment of a structure, led by the Department of Justice, Equality and Law Reform, designed to co-ordinate the delivery of childcare service in the course of the National Development Plan. Structures

established at national and local levels to bring the key players together to ensure the effective development of childcare include:

- **An Interdepartmental "Synergies" Committee**, established in early 2000 and chaired by the Department of Justice, Equality and Law Reform, to focus on childcare policy. The purpose of this committee is to achieve synergies in childcare across all Departments and agencies with funding for childcare through grants on training and education.
- **National Co-ordinating Childcare Committee (NCCC)**, which had its inaugural meeting on 17 December 1999, to oversee the development of a childcare infrastructure in an integrated manner throughout the country. It is chaired by the Department of Justice, Equality and Law Reform and membership comprises representatives of the statutory and non-statutory sector, including the Social Partners and Regional Assemblies.
- **County Childcare Committees** to advance the provision of childcare facilities within the local area. The relevant health boards are assisting in the establishment of these committees. The Department hosted an information briefing in Dublin on 26 September, 2000 for all Health Board facilitators who have been given responsibility for the establishment of the County Childcare Committees. The County Committees will have broad membership drawn from the statutory and non-statutory bodies and will include parents and providers representatives. The County Childcare Committees will work closely with the County and

City Development Boards and will formulate a county strategy plan for childcare services.

- **Certifying Bodies Sub-Group** of the NCCC was established in February 2000 to develop an agreed framework encompassing all levels of childcare training from Foundation Level to third level courses and will incorporate Accredited Prior Learning into the framework. When agreement is reached on a framework between the NCCC and the Certifying Bodies Sub-Group, the National Qualifications Authority of Ireland will be requested to consider selecting childcare as one of its first projects for qualifications recognition purposes. The Certifying Bodies Sub-Group, which is chaired by the Department, held information seminars in 14 venues around the country during October and November 2000 on the training requirements for childcare workers.

Publications

The Department's information booklet "*Childcare Funding in Ireland*" which provides information on sources of funding for childcare from Government Departments and State agencies was launched on 19 July, 2000. The availability of this publication was advertised in the national media on 30 August and 3 September, 2000 and over 3,500 requests for the booklet have been received up to the end of December 2000.

Conferences

The Department hosted a conference "*Developing Childcare Provision in Ireland, 2000 to 2006*" in Killarney on 8 and 9 May, 2000 with the co-operation of the European Social Fund. Over 250 delegates, from the statutory and non-statutory sector, attended the two

day event which included presentations from Departments and organisations in relation to funding supports, tax reliefs and developments in relation to networks, training and qualifications for childcare workers as well as workshops to discuss childcare development from the local perspective.

Information presentations

The Department responded to a number of requests for information presentations throughout the country on childcare funding in the latter part of 2000. These presentations were mainly at the request of Community Development Groups or Partnership Companies and were directed at either existing childcare providers or persons with an interest in moving into this sector. The Department will be monitoring the intake of funding applications over the coming months with a view to focusing information presentations on areas that are not adequately represented in terms of applications submitted or services available.

Statistics

- Since the announcement, in late April 2000, of the availability of capital and staffing grants, the Equal Opportunities Childcare Section has responded to **5,456** requests for application forms for one or more grant scheme.
- **272** applications for funding, totalling over **£22** million, have been approved up to 31 December 2000. These grants will support almost **7,000** childcare places in these facilities including the establishment of over **3,200** new childcare places. The Appraisal Committee did not recommend funding in the case of **17** projects.

Total number of applications*	Of which approved**	Of which** ineligible	Total funding Committed* £IR
499	272	17	22,032,255.29

Applications (capital, staffing grant applications or childminders initiative*) received up to 31/12/00 and decisions made up to 31/12/00.

Measure	No Projects approved	New Places supported	Existing Places Supported	Total Places supported	Amount Committed (£IR)
Capital - Self Employed/ Private Provider	84	1,329	694	2,023	1,813,585
Capital Community *	58	1,887	3,035	4,922	4,724,994
Staffing Community **	129				15,310,676
Childminders Initiative**	1				183,000
TOTAL	272	3,216	3,729	6,945	22,032,255

Breakdown of childcare places supported by funding committed up to 31/12/00

* Places supported by funding includes those supported under the Staffing Grant measure.

** These grants are paid over a three year period.

- 5 projects were approved funding totalling **£571,660** under the Quality Improvement measure for training models, innovative projects, networks and technical assistance.
- The Minister approved funding of over **£2.54** million under the Quality Improvement Sub-measure of the Equal Opportunities Childcare Programme to seven National Voluntary Childcare Organisations for 2001. This funding will enable these organisations to play a more effective role in providing support for the childcare sector as it expands under the National Development Plan and will cover the development of the organisations, the enhancement of services to members and the delivery of training.
- The Minister also approved funding of up to **£950,000** for the continuation of support for childcare workers employed by the 71 partnerships/community groups for a further six months (January 2001 to June 2001).

Disability Issues

Equal opportunities for people with disabilities is a key objective of the Department's strategy for equality. The Department is active on a number of fronts to deliver an administrative and legislative framework which will support and advance this policy. These activities also include an international dimension and the Department participates actively at EU and Council of Europe level as well as other international fora.

Mainstreaming and the National Disability Authority

The Establishment Group for the National Disability Authority (NDA) concluded its task in June, 2000 with the successful establishment of the NDA and the introduction of mainstreamed services for people with disabilities. The role of the NDA and the policy of mainstreaming are explained in the Department's brochures *Disability in the Mainstream: Moving forward together* and *Disability in the Mainstream: The National Disability Authority*. The NDA is responsible for developing and monitoring the implementation of standards in services for people with disabilities and assisting in the development of policy and practice in relation to disability issues. These roles will support the integrated approach to service provision under mainstreaming.

Equal Opportunity Policies and Initiatives for People with Disabilities

As part of a range of equal opportunity policies and initiatives, the Department continued to monitor the implementation of the 3% target for the employment of people with disabilities in the public sector. Ten regional seminars aimed at increasing awareness among

public sector employers were hosted by the Equality Authority in partnership with the Department during 2000. An information brochure, *Positive Action for People with Disabilities: Assisting public sector bodies to achieve the 3% employment target*, was published as part of this campaign and a related research project was initiated. A number of local Pilot Projects sponsored by the Department were successfully concluded in 2000 and, where appropriate, may be integrated in a mainstream context. People with Disabilities in Ireland Ltd. was successfully established as an independent representative council for people with disabilities and is continuing to receive Departmental support.

Disability Awareness

The National Disability Information Day 2000, was held on 27th November with the theme IT Ability. The Department, with co-sponsorship from the EU, hosted a commissioned web-site during November - December, 2000 on which the events on the day, in regional seminars held in Dublin, Ennis and Sligo, were web cast live. A CD ROM of the event was prepared. Each seminar focused on a specific area of IT interest which included Accessible Web Design, IT Education and Disability in Schools and e-Government. A Youth Interest Area was included in the web-site to

encourage participation by schoolchildren and heighten their awareness of disability issues.

Programme for Prosperity and Fairness

A number of commitments in relation to disability equality were given under the Programme for Prosperity and Fairness (PPF) and will involve a major input from the Department.

- Under legislative reform, a commitment was given to prepare and publish a Disabilities Bill to provide a legislative basis to advance and underpin participation by people with disabilities in society.
- A commitment to make public services accessible to people with disabilities within a five year time-frame will require the Department working with the NDA to monitor, guide and audit the progress of Government Departments and agencies under their remit, to achieving this commitment.
- The Department will also review and identify key statistical needs in relation to people with disabilities for the purpose of informing policy, planning and the delivery of services.

Immigration/Asylum Issues

Immigration

The Department is responsible for the entry to and residence in the State of non-nationals in accordance with the Aliens Act 1935 and the Orders made thereunder as well as the relevant EC law regarding the rights of residence of nationals of EEA States (EU Member States plus Norway, Iceland and Liechtenstein).

Visas

A visa is a form of pre-clearance for nationals of countries (other than those exempted under the Aliens Order) who wish to come to Ireland. The grant of a visa allows the holder to present himself or herself at Irish immigration controls for entry into the State.

Visa applications are handled by the Department of Foreign Affairs, through its network of consular posts abroad. Overall policy in relation to the issuing of visas is, however, the responsibility of the Department of Justice, Equality and Law Reform, although approximately 65% of decisions annually are made by the Department of Foreign Affairs and its consular posts on the basis of delegated sanction from the Department of Justice, Equality and Law Reform.

In the year under report, almost 68,000 visa applications (including applications for re-entry visas) were dealt with between the two Departments, with approximately 90% being granted. This represents an increase of 36% over applications processed during 1999. 24,000 of the applications made during 2000 were handled by the Department of Justice, Equality and Law Reform, an increase of 40% over 1999 and 70% over 1998.

Leave to land

Persons arriving in the State from places other than the UK require leave to land upon arrival and must satisfy an Immigration Officer (members of the Garda Síochána) that they comply with Irish immigration laws.

The legal requirements to gain entry include possession of a current valid passport (or an EEA national identity document) and, for nationals of certain non-EEA States, a visa. For all non-EEA nationals, evidence of the purpose of the visit and of sufficient funds for that purpose may be sought. Non-EEA nationals intending to enter for the purpose of employment must also be in possession of a valid Work Permit or other authorisation to take up employment.

In the case of arrivals from the UK, the Common Travel Area arrangements permit nationals of this State and of the UK to travel freely between the two jurisdictions without the need to carry a passport. Nationals of other states are required by law to be in possession of such documents (and of visas where necessary). Since 29 June, 1997 Immigration Officers have had the power to carry out occasional checks on persons arriving from the UK to establish whether they are entitled to enter the State.

In 2000, 5,852 persons were refused leave to land in the State having been found not to fulfil the legal requirements for entry. The corresponding number of refusals for 1999 was 3,734.

Permission to remain and residence permits

Non-EEA nationals who remain in the State for more than three months are required to register with their local Garda Registration Office, which is located at the nearest Garda Superintendent's Office or, in the case of

those within the Dublin Metropolitan Area, with the Immigration and Registration Office, Garda Headquarters, Harcourt Square, Dublin 2.

At the end of 2000, there were 47,262 non-EEA nationals registered in the State, an increase of 60% on the previous year. This figure excludes persons under 16, female spouses of Irish nationals as well as persons seeking asylum. The corresponding figures for the years 1999 and 1998 were 29,646 and 22,546 respectively.

Certain categories of applications for permission to remain have increased significantly in recent years. The number of work permits issued in 2000 was 18,079 up from 6,215 in 1999 and 5,713 in 1998. In addition, the number of persons granted permission to remain in the State as the parent of an Irish citizen has grown from a relatively low base to 1,428 in 1999 and 1,515 in 2000.

EEA nationals may apply to the Minister for an EEA Residence Permit as evidence of their entitlement to reside in the State. Such permits can be issued for up to 5 years.

New Working Visa/Work Authorisation system

New arrangements have been introduced which are designed to supplement the existing Work Permit scheme by providing for a streamlined authorisation process in respect of certain categories of workers who are in exceptionally short supply. This scheme was introduced in late May, 2000 following an examination of labour market migration issues by an interagency committee chaired by the Department of Enterprise, Trade and Employment, on which the Department of Justice, Equality and Law Reform was represented.

The skill categories are: IT and Computing Professionals and Technicians, Construction Professionals and Nurses.

Under the scheme, a person with a job offer in one of the relevant skill areas from an Irish based firm can apply to an Irish Embassy/Consulate for a working authorisation (if a non-visa required national) or a working visa (if a visa required national). These permits are valid for two years (with the exception of those for temporarily registered nurses, which are initially issued for three months to enable the holder to obtain the necessary Bord Altranais certification). Holders can then travel to Ireland without having to obtain a work permit or entry visa. Under the scheme, holders may change employers once they remain in the same skill area. Persons are required to register with their Garda Registration Office in the normal way where they will be granted permission to remain for the validity of their work authorisation/visa. Persons may apply for an extension of their authorisation/visa upon its expiry.

1,387 applications were granted under the scheme in 2000.

Establishment of the Garda National Immigration Bureau

The Government approved the establishment of a Garda National Immigration Bureau in May, 2000 in order to deliver the most effective organisational structure to support those elements of the enforcement of immigration policy which rest with An Garda Síochána. The main functions of the Bureau are;

- the monitoring of non-nationals who are the subject of deportation orders;

- the effective co-ordination of activities leading to the execution of deportation orders;
- the effective co-ordination of operational strategies and resources from point of entry into the State (airports, ports and border crossings);
- the co-ordination and direction of strategies to combat trafficking in illegal immigrants;
- the strengthening of international liaison arrangements on relevant immigration issues including liaison with Garda liaison officers based abroad;
- the provision of non-national registration service and the enforcement of immigration law generally.

Deportations

The power to deport is vested in the Minister under Section 3 of the Immigration Act, 1999. Deportations commenced under the Immigration Act in November, 1999. Since then to the end of December, 2000, 1,035 deportation orders were signed by the Minister and 193 deportations took place, 6 in 1999 and 187 in 2000. 294 persons had evaded deportation orders, 164 persons were not at their last known address for the purposes of service and 180 persons had been granted leave to seek judicial review by the Courts. Arrangements were being put in place in respect of another 70 persons. 66 persons needed to have their return negotiated with the authorities in their countries of origin. Deportation orders in respect of 45 persons were being revoked or had been revoked primarily on the basis of legal advice, while 23 persons left the State before deportation orders could be enforced. In

addition, a further 248 persons, of whom the Department are aware, returned home voluntarily in the year 2000.

Carriers' Liability legislation

In December 2000 the Government approved the drafting of the Immigration (Carriers' Liability) Bill. This will introduce penalties on carriers who bring persons without adequate immigration documentation to the State. This will be an important measure in tackling illegal immigration and the trafficking of human beings into Ireland. The Department had discussions with the airlines and ferry companies concerning the proposed legislation.

Involvement in EU developments

Following the Amsterdam Treaty and the Conclusions of the Tampere European Council in 1999, the European Union has an objective of creating an "area of freedom, security and justice" within the EU. This will involve a series of initiatives in the Justice and Home Affairs area, including measures relating to asylum, immigration and visas. During the year, the Department was involved in discussions on these matters at a number of EU Working Parties.

Citizenship

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

A non-national can apply for naturalisation, once he or she has fulfilled certain statutory conditions for naturalisation, including having five years residency in the State and being of good character. Naturalisation is at the Minister's absolute discretion. The Minister may also, in his absolute discretion, grant naturalisation where the conditions for naturalisation are not fulfilled

but where certain other circumstances are present, for example, where the applicant is of Irish descent or has Irish associations.

The following are details of the numbers of applications received and certificates issued for the year under report and the previous year:-

Year	Applications Received	Certificates Issued
1999	739	416
2000	1004	125

Spouses of Irish citizens can obtain Irish citizenship after three years of marriage. In 2000, 948 certificates were issued to such persons compared with 1,022 in 1999. The Department processes applications from persons normally resident in Ireland. The Department of Foreign Affairs, through its embassies and consular missions, deals with applications from persons resident outside Ireland and forwards the processed applications to this Department for finalisation.

The reduced number of applications processed in the year 2000 arose because of the large increase in the volume of work in the Immigration and Citizenship Division generally (including naturalisation applications). This has since been addressed by the provision of additional staffing resources.

Asylum

During 2000, the Department continued to face major challenges in relation to the processing of claims for refugee status. The number of applicants for asylum increased from 7,724 in 1999 to 10,938 in 2000 (an

increase of over 41%). There were 12,067 (10,127 at first stage and 1,940 at appeal stage) cases awaiting finalisation at 31 December 2000.

The highest source countries for 2000 were Nigeria (3,404 or 31.1% of total number of applications) and Romania (2,384 or 21.8% of the total). This compares with 1,895 (24.5% of the total) and 2,226 (28.8% of the total) applications for those countries respectively in 1999.

In relative terms (asylum applications as a percentage of national population), Ireland was in second place in the EU in 2000 in terms of asylum applications received and in third place overall among some 25 European States as a whole. This development presented the Department with major challenges during the year in meeting its obligations towards asylum seekers under national and international law. Substantial extra resources were committed to the asylum processing system to ensure that claims were dealt with in a fair and efficient manner and additional accommodation and support services were provided for those awaiting determinations on their applications.

As part of a comprehensive and planned approach to dealing with this matter:

- The Government agreed the allocation of major additional resources including the recruitment of 370 additional staff (bringing the total approved level of staff to over 600) aimed at the speeding up of processing times in respect of asylum applications and to deal with the consequential increase in the level of repatriations of people whose applications for refugee status are unsuccessful.
- The Government asylum strategy as enunciated during 2000 is aimed at:
 - (i) greatly increasing processing capacity, including appeals, to deliver more speedy decisions in relation to applications for refugee status, leading in due course to the completion to finality of the processing of all new asylum applications within a six month period which will ensure that those who qualify for refugee status will receive decisions on their applications much more speedily and that applications where there is clearly no basis for qualification will also be dealt with on a faster basis.
 - (ii) the processing, in full, of the asylum applications currently on hand as soon as possible;
 - (iii) dealing with the increased numbers of repatriations which will arise in respect of persons who do not qualify for refugee status.
- 70 additional staff and additional accommodation were approved for the Refugee Legal Service to assist it in providing a more comprehensive legal advice service to asylum seekers at all stages in the asylum process and for the development of a decentralised service - including the opening of decentralised offices - for dispersed asylum seekers.
- The asylum process underwent considerable change in 2000 with the transition from administrative procedures to a statute based process with the commencement in full of the Refugee Act, 1996, as amended by the Immigration Act, 1999 and the Illegal Immigrants (Trafficking) Act, 2000, on 20 November, 2000. This resulted in

the establishment of two independent statutory offices for the processing of asylum applications:

- (i) a Refugee Applications Commissioner who makes recommendations to the Minister for Justice, Equality and Law Reform as to whether a person should be granted or refused refugee status.
 - (ii) a Refugee Appeals Tribunal consisting of individual independent members which deals with appeals against negative recommendations of the Refugee Applications Commissioner and a Chairperson whose role is to allocate work and develop a system of quality control, as well as hearing appeals. A total of 20 members of the Tribunal have been appointed since the commencement, in full, of the Refugee Act, 1996.
- The commencement in full of the Refugee Act, 1996 (as amended) necessitated the undertaking of comprehensive preparatory work in the Department. A Transition Team, made up of officials from various key areas of the asylum process, led by the Asylum Policy Division, was established for this purpose. Its work included the drafting of the necessary statutory instruments, the preparation of procedural guidelines for staff, preparation and issue of information material for the general public including asylum seekers and the undertaking of comprehensive staff training. The implementation of the Act's new provisions also necessitated a careful transition to ensure that all asylum seekers were afforded every opportunity to present their case in a fair and equitable manner.

- Fingerprinting of all asylum seekers over 14 years of age was introduced on 20 November, 2000 with the commencement in full of the Refugee Act 1996 (as amended). The primary purpose of fingerprinting is to reduce the number of duplicate applications for asylum and to assist in the more effective operation of the Dublin Convention.
- Prior to the commencement in full of the Refugee Act, 1996, asylum applications were processed in accordance with administrative procedures agreed with the UNHCR which included a first instance decision by the Department and a right of appeal to an independent Appeals Authority (who required at least 5 years practice as a solicitor or barrister). During 2000 some 8 new Appeals Authorities were appointed.

Funding Provision

In 2000, a provision of £8.2 million was made for the operation of the Asylum Task Force and £1 million was provided for the Refugee Legal Service.

Readmission Agreements

Readmission Agreements provide a mechanism for the readmission of certain categories of persons at the request of one of the Contracting Parties. They are intended, inter alia, to enhance the deportation process by providing a structured framework within which persons who do not or no longer satisfy the conditions in force for entry or residence on the territory of one Contracting Party can be returned to the other Contracting Party.

A Readmission Agreement with Romania was signed in Bucharest on 12 May, 2000 by the Minister for Justice, Equality and Law Reform and was given Dáil approval on 29 June, 2000.

Readmission Agreements were also concluded in 2000, subject to Government approval, with Poland and Bulgaria.

Refugee Applications Commissioner

The functions of the Office of the Refugee Applications Commissioner include:

Applications

Receiving and processing applications for a declaration as a refugee including conducting detailed interviews of applicants often with the assistance of interpreters.

Fingerprinting

All asylum applicants over the age of fourteen are fingerprinted in accordance with S.9A of the Refugee Act, 1996 (as amended).

Temporary Residence Certificate (TRC)

TRC's are issued to all asylum applicants. The TRC replaces the former Asylum Seeker (AS) card.

Appeals Presenting

A Presenting Officer represents the Refugee Applications Commissioner at oral hearings of the Refugee Appeals Tribunal against recommendations of the Commissioner that an applicant does not qualify for refugee status.

Dublin Convention

The Refugee Applications Commissioner is also responsible for the operation of the Dublin Convention which provides a mechanism for determining which Convention country is responsible for examining an application for refugee status.

Family Reunification

The Refugee Act, 1996, as amended, provides that

refugees in relation to whom a declaration is in force may apply to the Minister for permission to be granted to a member of his or her family to enter and reside in the State, and that the Minister shall refer such applications to the Refugee Applications Commissioner.

Refugee Appeals Tribunal

The Appeals Process for the Asylum Seeker

The Asylum Appeals process underwent considerable change in 2000, with the transition from administrative procedures to a statute based process following the enactment of the Refugee Act, 1996 (as amended) with effect from 20th November, 2000.

Arising from an increase in the number of Appeals Authorities, who consider the appeals, from 6 to 14, a total of 3,541 (i.e. 3,087 decisions made and 454 cases withdrawn) applications were completed in 2000.

A total of 3,700 new appeals were lodged in the year up to 31 December, 2000 while the number of cases awaiting decision at 31st December, 2000 was 1,940.

The implementation of the Act's new provisions necessitated a careful transition to ensure that all asylum seekers are afforded every opportunity to present their case in a fair and equitable manner. Simultaneous to the coming into effect of the Refugee Act, 1996 and the setting up of the Tribunal, arrangements were also put in place for the speedier processing of all stages of the Asylum process, including appeals. Accordingly, during the latter half of the year considerable resources were in the process of being channelled into the recruitment and training of staff; to the appointment of new Tribunal Members and to the training of all Tribunal Members to the highest international standards.

At the end of 2000 plans were at an advanced stage for the Refugee Appeals Tribunal and its newly expanded support team to relocate to new premises in Hanover Street, Dublin 2, which facilitated the commencement of a programme to achieve the target throughput of 1000 appeal cases set for it by the Government in 2000.

The Directorate for Asylum Support Services

Throughout 2000 the Directorate continued to meet its remit of co-ordinating the resettlement of newly-arrived asylum seekers throughout the country under the system known as direct provision. This system, involving the direct provision of full-board accommodation, commenced formally on 10 April, 2000.

Staff Developments

A new Director was appointed in July, 2000 following the appointment of the Directorate's first Director as Refugee Applications Commissioner.

Policy Developments

- On 10 February, 2000 the Report of the Interdepartmental Working Group on the Integration of Refugees in Ireland was published. The report has been approved by Government as the framework for implementation of integration policy in Ireland. One of the key recommendations of the report was the establishment of a single organisational structure to co-ordinate the implementation of integration policy for all refugees (convention, programme and resettlement quota refugees) and persons who, though not refugees, are granted leave to remain in the State.

- Arising from the latter recommendation, the Government decided on 28 March, 2000 that a new statutory agency, to be called the Reception and Integration Agency, should be established under the aegis of the Minister for Justice, Equality and Law Reform. Pending the enactment of legislation, the new agency, which replaces the Directorate and incorporates the Refugee Agency, will operate on a non-statutory basis. The new agency will facilitate a cohesive approach to both the reception of asylum seekers and the integration of refugees.
- On 28 March, 2000 the Government also approved proposals for a mix of accommodation (10,000 spaces in total), e.g., in system built (pre-fabricated) accommodation, mobile homes and in permanent built accommodation, to meet projections in relation to the number of places required for asylum seekers. This was over and above accommodation already being procured in the commercial sector.
- On 18 April, 2000 the Government approved the appointment of an Interim Advisory Board to the Reception and Integration Agency.

Statistics

Up to 31 December 2000, 3,686 asylum seekers had been accommodated under the direct provision system at 62 accommodation centres in 21 counties.

EU - International Developments:

During 2000, Ireland participated in a proactive manner in discussions at EU and other/international levels on asylum issues. Within the EU the following initiatives were considered;

- **EURODAC Regulation**

In December, 2000 the Council approved a regulation concerning the establishment of a system for the comparison of fingerprints of asylum seekers and certain other non-nationals.

- **Decision on the establishment of European Refugee Fund**

On 28 September, 2000 the Council adopted a Decision establishing a European Refugee Fund. The purpose of the Fund is to support and encourage the efforts made by the Member States in, inter alia, receiving asylum seekers, refugees and displaced persons.

Ireland exercised its option provided under the Fourth Protocol of the Treaty of Amsterdam to participate in discussions on this proposal following approval by both Houses of the Oireachtas in April, 2000.

The fund will run for 5 years from 1st January, 2000 to 31 December, 2004. Under the terms of the Council Decision, the Fund is administered on behalf of the European Commission by Responsible Authorities in member States. The Directorate for Asylum Support Services is the Responsible Authority for Ireland. The total budget available for Ireland is £497,000 in 2000 and £558,000 in 2001.

- **Reception Standards Guidelines**

Following detailed consideration at Working Party Level during the year; in December, 2000 the Council approved Guidelines for a future Community instrument on conditions for the reception of asylum seekers.

- **Temporary Protection Directive**

In June 2000 the Commission forwarded to the Council a proposal for a Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Discussions on the proposal commenced at EU level in July, 2000.

- **Communication from the European Commission to the Council and the European Parliament - "Towards a common asylum procedure and uniform status, valid throughout the Union, for persons granted asylum"**

The Commission presented this proposal in October 2000 which outlines its thinking on the establishment of a Common EU Asylum System.

- **Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status**

In October 2000 the Commission sent a proposal to Council for a Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status. Discussions on the proposal commenced at EU level on 7 December 2000.

Other International Developments

- **United Nations High Commissioner for Refugees**

The year 2000 marked the 50th anniversary of the UNHCR and was celebrated in Ireland by a special function on 15 December hosted by the Minister for Justice, Equality and Law Reform.

- **UNHCR Global Consultations**

During 2000 the UNHCR launched global based consultations on international protection which will look at a number of critical issues in this area including the protection of refugees in mass influx situations, protection of refugees in the context of individual asylum systems, the search for protection based solutions (voluntary repatriation, local integration) and protection of refugee women and children. It will also focus on the asylum/immigration nexus with particular reference to people smuggling and trafficking and carrier sanctions.

- **IGC**

During 2000 the Department also actively participated in discussions on asylum issues in other international fora including the **Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC)**. The IGC is an informal, non-decision making forum for inter-governmental information exchange and policy debate on all issues of relevance to the management of international migratory flows.

Asylum Application Statistics

Year	Number of Applications Received
1991	31
1992	39
1993	91
1994	362
1995	424
1996	1,179
1997	3,883
1998	4,626
1999	7,724
2000	10,938

Details of asylum applications processed in 2000 - First Instance

Number of interviews scheduled	5,587
Number of interviews held	3,749
Number of no-shows	1,399
Number of cancellations	439
No. of applicants granted refugee status	211
No. of applicants refused refugee status	6,281*

*2,267 cases were refused as "manifestly unfounded" and 1,511 cases were deemed "abandoned"

Details of Appeal Cases Processed from 1/1/2000 to 31/12/2000

Substantive Decisions	1,651
Number Granted Refugee Status	395
Number Refused Refugee Status	1,138
Number Resubmitted	5
Number Abandoned	113
Manifestly Unfounded Decisions	1,436
Number Overturned	117
Number Refused	1,319
Number Resubmitted	0
Total	3,087

Note: 454 cases were also withdrawn at appeal

Legislation

A: Legislation Enacted

Criminal Justice (United Nations Convention against Torture) Act, 2000

The purpose of the Act is to enable Ireland to ratify the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment which was adopted by the General Assembly of the United Nations on 10 December, 1984. The Act creates a specific statutory offence of torture with a penalty of up to life imprisonment and allows a person to be tried here or extradited in relation to the commission of the offence anywhere in the world.

Illegal Immigrants (Trafficking) Act, 2000

The Act creates an offence of trafficking in illegal immigrants and provides a framework by which those engaging in the trafficking of illegal immigrants and asylum seekers can be dealt with under the law. The Act also made technical adjustments to the Refugee Act, 1996 as amended by the Immigration Act, 1999. It also provides a code of law governing judicial review as it applies in a range of immigration and asylum matters and it refines the deportation process. Following a referral by the President, under Article 26 of the Constitution, of the provisions of the Act dealing with judicial review and the deportation process, the Supreme Court held that the provisions concerned were not repugnant to the Constitution.

Firearms (Firearm Certificates for Non-Residents) Act, 2000

The Act amends the Firearms Act, 1925 in regard to the grant of firearm certificates to persons ordinarily resident outside the State. It also deals with the assessment of the suitability of non-residents to hold hunting licences under the Wildlife Act, 1976.

Criminal Justice (Safety of United Nations Workers) Act, 2000

The Act gives effect to the Convention on the Safety of United Nations and Associated Personnel which was adopted by the General Assembly of the United Nations on 9 December, 1994. The purpose of the Convention is to secure the better protection of personnel engaged in UN efforts in the field of preventive diplomacy, peace-making, peace-keeping, peace-building, and humanitarian and other operations.

Intoxicating Liquor Act, 2000

The Act amends the Licensing Acts 1833 to 1999 and the Registration of Clubs Acts, 1904 to 1999 and provides for other connected matters. The Act provides for significant extension of the licensing hours and wide-reaching changes in the licensing system. It also provides for considerable strengthening of the law on under-age drinking.

Protection of Children (Hague Convention) Act, 2000

The Act enables Ireland to ratify the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children. On ratification the Act gives the Convention the force of law in the State and effect to the provisions of the Convention in their application to the State.

Statute of Limitations (Amendment) Act, 2000

The purpose of this Act is to amend the Statute of Limitations as it applies to victims of childhood sexual abuse.

B: Bills Published (awaiting enactment)

Prevention of Corruption (Amendment) Bill, 2000

The Bill redefines the offence of corruption to make it more comprehensive and applies it to a wide range of persons in respect of the carrying out of their duties or functions, as well as to third parties and companies. The Bill will also allow Ireland to ratify a number of international conventions against corruption and bribery.

Criminal Justice (Theft and Fraud Offences) Bill, 2000

This Bill, based on a number of examinations of the law on dishonesty, replaces the present common law and statutory offences related to fraud and larceny with a new statutory code designed to respond to present day realities in this area. It also contains measures to assist in the investigation of offences of dishonesty and for changes in trial procedure, particularly in complex cases.

Criminal Justice (Illicit Traffic by Sea) Bill, 2000

The purpose of the Bill is to give effect to the Council of Europe Agreement on Illicit Traffic by Sea implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Member States of the European Union are committed to giving effect to the Agreement under the Action Plan on Organised Crime agreed by Heads of Government at the Amsterdam Council in June 1997. Enactment of this Bill will clarify the procedures to be followed by Council of Europe Member States in dealing with shared jurisdiction arising from drug trafficking on the high seas.

Sex Offenders Bill, 2000

The Bill provides a package of reforms designed to protect the public against sex offenders. Its primary purpose is to provide a tracking system for persons convicted of a sexual offence, in particular sexual offences committed against children.

Children Bill, 1999

The Bill, which replaces the Children Bill, 1996, will provide a statutory framework within which the juvenile justice system can develop. The parameters of the 1996 Bill are also being extended to include measures designed to prevent children from offending.

Proceeds of Crime (Amendment) Bill, 1999

The Bill will amend the Proceeds of Crime Act in a number of technical respects, arising from the experience of the Criminal Assets Bureau in operating the Act.

Solicitors (Amendment) Bill, 1998

The main purpose of the Bill, which amends the Solicitors Acts 1954 to 1994, is to place more effective controls on the nature and extent of advertising by solicitors particularly in the area of personal injuries. It also strengthens the power of the Law Society to prohibit contravention of the Acts. The Bill was passed by the Seanad on 28 October, 1998 and was awaiting Committee Stage in the Dáil at the end of 2000.

Bills under preparation during 2000

- Criminal Justice (Temporary Release of Prisoners) Bill
- Criminal Justice (Garda Powers) Bill
- Prison Service Bill
- Attachment of Earnings Bill
- Criminal Justice (Protection of Confidential Information) Bill

- Criminal Justice (Miscellaneous Provisions) Bill
- Criminal Law (Insanity) Bill
- Extradition (European Union Conventions) Bill
- Indexation of Fines Bill
- Courts and Court Officers Bill
- Data Protection (Amendment) Bill
- Family Law (Pensions) Bill
- Immigration and Residence Bill
- Immigration (Carriers' Liability) Bill
- Private Security Services Bill
- Property Registration Authority of Ireland Bill, 2000

Statutory Regulations - 2000**Illegal Immigrants (Trafficking) Act, 2000 (Commencement) Order, 2000**

S.I. No. 266 of 2000: This order brought all sections of the Illegal Immigrants (Trafficking) Act, 2000 into operation with effect from 5 September, 2000.

Bail Act, 1997 (Commencement) Order 2000

S.I. No. 118 of 2000: This Order brought all the provisions of the Bail Act, 1997 into operation with effect from 15 May, 2000.

Intoxicating Liquor Act, 2000 (Commencement) Order, 2000

S.I. No. 207 of 2000: This Order brings into operation all sections of the Intoxicating Liquor Act, 2000, except section 15 (which relates to the display of notice relating to under-age drinking) and section 17 (which relates to the labelling of containers in which alcohol is sold off the premises).

The remaining sections, other than section 27, came into operation on 6 July, 2000. Section 27 (relating to application for and renewal of special restaurant licences) came into operation on 2 October, 2000.

Refugee Act 1996 (Section 6 and First Schedule) (Commencement) Order, 2000.

S.I. No. 8 of 2000: This Order commences section 6 and the First Schedule of the Refugee Act 1996 (as amended by section 11 of the Immigration Act 1999), dealing with the appointment of the Refugee Applications Commissioner.

Immigration Act, 1999 (Section 11) (Commencement) Order, 2000

S.I. No. 9 of 2000: This Order commenced section 11 of the Immigration Act 1999 (which provides for the amendment of the Refugee Act 1996) with the exception of section 11(1)(p) which amends section 22 (Dublin Convention) of the Refugee Act, 1996.

Refugee Act 1996 (Sections 14 and 15 and Second Schedule) (Commencement) (No. 2) Order, 2000.

S.I. No. 308 of 2000: This Order commenced sections 14, 15 and the Second Schedule of the Refugee Act 1996 (as amended by section 11 of the Immigration Act 1999), dealing with the establishment day for the Refugee Act and the Refugee Appeals Tribunal.

Refugee Act 1996 (Establishment Day) Order, 2000

S.I. No. 309 of 2000: This Order fixed 4th day of October, 2000 as the establishment day for the purposes of the Refugee Act, 1996.

Refugee Act 1996 (Section 23) (Commencement) (No. 3) Order, 2000

S.I. No. 341 of 2000: This Order commences section 23 of the Refugee Act 1996 (which provides that the Minister may make regulations to enable the Refugee Act, 1996 to have full effect).

Refugee Act 1996 (Appeals) Regulations, 2000

S.I. No. 342 of 2000: These Regulations supplement in detail the procedures set out in section 16 of the Refugee Act 1996 in relation to the determination by the Refugee Appeals Tribunal of appeals against recommendations of the Refugee Applications Commissioner on applications for recognition as a refugee.

Dublin Convention (Implementation) Order, 2000

S.I. No. 343 of 2000: This Order gives effect to the State's obligations as a party to the Dublin Convention. Among other things, it puts in place procedures for the Refugee Applications Commissioner to determine whether an application for asylum should in accordance with the terms of the Dublin Convention be dealt with in the State or in another Convention country. It repeals and replaces the Dublin Convention (Implementation) Order, 1997.

Refugee Act, 1996 (Places and Conditions of Detention) Regulations, 2000

S.I. No. 344 of 2000: These regulations set out the places in which persons detained under section 9(8) or 9(13) of the Refugee Act 1996 may be detained. They also fulfil the obligation at section 9(10) of the Act to make regulations providing for the treatment of such persons while in detention.

Refugee Act, 1996 (Application Form) Regulations 2000

S.I. No. 345 of 2000: These Regulations set out the content of the application form to be completed by asylum applicants under Section 8 of the Refugee Act, 1996.

Refugee Act, 1996 (Temporary Residence Certificate) Regulations 2000

S.I. No. 346 of 2000: These Regulations set out details of additional information to be included in the Temporary Residence Certificate which is to be issued to each asylum seeker under section 9(3)(a) of the Refugee Act, 1996.

Refugee Act, 1996 (Travel Document) Regulations, 2000

S.I. No. 347 of 2000: These Regulations provide for the form of the travel document to be issued to a person declared to be a refugee under section 17 of the Act (a Convention refugee) and to a Programme Refugee under section 24 of the Act.

Refugee Act, 1996 (Transitional) Regulations, 2000

S.I. No. 348 of 2000: These Regulations ensure a smooth change-over to the statutory appeal procedure for all appeals made before the commencement date which had not been finalised by then.

Immigration Act, 1999 (Section 11(1)(p)) (Commencement) Order, 2000

S.I. No. 364 of 2000: This Order commenced section 11(1)(p) of the Immigration Act 1999, (which amends section 22 of the Refugee Act, 1996 (Dublin Convention)), with effect from 20 November, 2000.

Refugee Act, 1996 (Commencement) Order, 2000

S.I. No. 365 of 2000: This Order commenced all remaining sections of the Refugee Act with effect from 20 November, 2000.

Decommissioning Act, 1997 (Decommissioning) (Amendment) Regulations, 2000

These Regulations changed the expiry date of the Decommissioning Act, 1997 (Decommissioning) Regulations, 1998 to 22 May, 2001.

Coroners Act, 1962 (Fees and Expenses) Regulations, 2000

S.I. 429 of 2000. These Regulations prescribe various fees and expenses for the purposes of the Coroners Act, 1962, viz, the fee to be paid to a coroner who holds an inquest outside his own district; the fee chargeable by the coroner or a county registrar for furnishing copies of inquest documents and the fees and expenses payable in respect of post-mortem and special examinations, the attendance of witnesses at inquests and the removal or custody of a body.

These Regulations replace the Coroners Act, 1962 (Fees and Expenses) Regulations, 1996 (S.I. No. 151 of 1996).

Video Recordings Act, 1989 (Commencement) Order, 2000

S.I. 353 of 2000. This order provides for the extension of certain sections of the Video Recordings Act, 1989 to include all video works.

Resolutions**Offences against the State (Amendment) Act, 1998**

Resolutions were passed by both Houses of the Oireachtas extending the operation of sections 2 to 12 and 14 and 17 of the 1998 Act for a 12 month period ending 30 June 2001.

Criminal Justice (Drug Trafficking) Act, 1996

Resolutions were passed by both Houses of the Oireachtas to enable sections 2 to 6 of the Criminal Justice (Drug Trafficking) Act, 1996 to continue in force for a further 2 years, i.e. until 31st December, 2002.

Developments in EU and International Law

Work continued in 2000 on a number of EU and other international agreements concerning criminal law co-operation, particularly where the resulting agreements might give rise to a need for domestic legislation.

Directive and Framework Decision on strengthening the penal framework for preventing the facilitation of unauthorised entry and residence

During 2000 the French Presidency proposed an initiative with a view to the adoption of a Directive and Framework Decision on strengthening the penal framework for preventing the facilitation of unauthorised entry and residence. Negotiations on these instruments were not concluded in 2000 and are continuing.

Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union

This EU Convention was signed by Ireland on 29 May 2000 and supplements and builds on the Council of Europe Convention on Mutual Assistance in Criminal Matters, which has already been ratified by all EU Member States. Legislation will be required to enable Ireland to ratify the EU Convention.

Proposal for a Draft Protocol on Improving Mutual Assistance in Criminal Matters

In July, 2000 Council commenced negotiations on a proposal as titled above for a draft Protocol to the 2000 Convention.

Ireland - USA Treaty on Mutual Legal Assistance in Criminal Matters

Negotiations on the above bi-lateral treaty were completed in November, 2000 and in December, 2000 the Government authorised signature of the Treaty.

Bilateral Agreement with Canada on Mutual Legal Assistance in Criminal Matters

Negotiations are continuing on the above Bilateral Agreement.

Bilateral Agreement with Hong Kong Special Administrative Region on Mutual Legal Assistance in Criminal Matters

Agreement obtained in October, 2000 to commence negotiations on the above Bilateral Agreement.

Programme of measures to implement the principle of mutual recognition

In November, 2000 the Justice and Home Affairs Council agreed a programme of twenty three measures to implement the principle of mutual recognition of decisions in criminal matters. Council expects to agree twelve of the measures before the end of 2002.

Council Framework Decision of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro

The aim of the decision is to protect the euro against counterfeiting, both before and after it comes into circulation. Any changes required to national legislation

have been included in the Criminal Justice (Theft and Fraud Offences) Bill, 2000.

Proposal for a Council Decision establishing a European Judicial Network in civil and commercial matters.

On 25 September, 2000 the Commission forwarded to the Council of the European Union a proposal for a decision establishing a European Judicial Network in Civil and Commercial matters. On 15 December, 2000 having followed the requisite domestic procedures, the President of the Council was duly informed of Ireland's intention to participate in the adoption and application of this measure.

Proposal for a Council Regulation on co-operation between the courts of the Member States in the taking of evidence in civil and commercial matters.

On 26 September, 2000 Germany forwarded to the Council of the European Union a proposal for a Regulation on co-operation between the courts of the Member States in the taking of evidence in civil and commercial matters. On 15 December, 2000 having followed the requisite domestic procedures, the President of the Council was duly informed of Ireland's intention to participate in the adoption and application of this measure.

Proposal for a Council Regulation extending the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius - Civil).

On 7 September, 2000 the Commission forwarded to the Council of the European Union a proposal for Regulation extending the Grotius (Civil) programme. On 15 December, 2000 having followed the requisite domestic procedures, the President of the Council was

duly informed of Ireland's intention to participate in the adoption and application of this measure.

Council Regulation on jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility for children of both spouses.

This Regulation was adopted by the Justice and Home Affairs Council on 29 May 2000. The date of entry into force is 1 March, 2001. It provides rules of jurisdiction which determine which EU court will deal with proceedings in relation to divorce, legal separation and annulment and with related parental responsibility issues such as custody. It also provides for the recognition of judgements which are given in accordance with its provisions.

Proposal for a Council regulation on the mutual enforcement of judgements on rights of access to children.

On 3 July, 2000 the Council presented a proposal in relation to the above. On 13 October, 2000 having followed all the domestic procedures, the President of the Council was duly informed of Ireland's intention to participate in the adoption and application of this measure. A revised draft of the regulation, circulated on 8 December, 2000, will be the subject of further discussion during 2001.

Council Regulation on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

This Regulation was also adopted by Council on 29 May, 2000. It will enter into force on 31 May, 2001. Its primary purpose is to improve the present arrangements for the transmission and service of documents within the EU.

Council Regulation on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters.

This Regulation was adopted by Council on 22 December 2000 and will enter into force on 1 March 2002. Its primary purpose is to update and streamline the arrangements in place for the recognition and enforcement of civil and commercial judgements within the EU.

United Nations International Convention on the Elimination of All Forms of Racial Discrimination.

Following commencement of the Employment Equality Act, 1998 and the Equal Status Act, 2000, the Minister for Justice, Equality and Law Reform proposed the ratification by Ireland of the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. The Convention was

opened for signature in 1965 and Ireland had signed, subject to ratification, in 1968. The Convention requires that state parties have in place an effective means of redress for those who have experienced racial discrimination. Following a Dail Resolution, Ireland ratified the Convention in December, 2000.

Other Matters

The Commission on Liquor Licensing

The Commission was established on 1 November, 2000 and charged with the task of reviewing the State's Liquor Licensing Laws. The Commission is expected to submit a report to the Minister and to the Government within three months of its first meeting, with practical measures on the method of access to the off-licence sector and the nature of premises that might be licensed. The Commission will produce a final report on all other matters within two years.

Financial Matters

The Department's Finance Division comprising 145 staff has been located in Killarney since 1990.

Payroll

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

	JELR	Garda	Prisons	Courts	Registries	Total
Weekly	462	13,375	3,408	530	329	18,104
F'Nightly	634	70	80	545	282	1,611
Monthly	21	507				528
Total	1,117	13,952	3,488	1,075	611	20,243

In addition approximately 6,000 monthly Garda pensions are issued.

The new Corepay payroll system was implemented for the Prison Officer and Garda Siochana pay groups in October 1996 and October 1997 respectively. During 2000, the Corepay system was extended to the Courts Service, Justice, Probation and Welfare, Charities Office and remaining Prison pay groups.

Non-pay Expenditure

The Finance Division processes approximately 1,800 invoice, fee and expense claims weekly. These include monthly expenditure accounts for the running of the Departments out-offices, the Prison Service, the Courts Service and the Garda operational districts and payments made in the operation of the Criminal Legal Aid Scheme.

The Division also brings to account various monies received in the Department i.e. non public duty, citizenship fees, film censorship and data protection fees and other miscellaneous receipts.

Killarney Shared Services Centre

On 5th December, 2000, the Government approved proposals to establish a Shared Services Centre (SSC) in the Department's Finance Division in Killarney. The Shared Services Centre initiative provides a strategic model under which the necessary resources to implement new financial management systems and an enhanced delivery of financial services can be effectively managed. In addition, the initiative will involve a review of organisational structures, business processes and IT strategies in Killarney and the development of Service Level Agreements with Killarney's client organisations. The time frame for implementing the Shared Services Centre is three years, i.e., 2001-2003.

The implementation of new financial management systems has commenced. Phase 1 (General Ledger and Accounts Payable) of the new financial management system acquired for the Prison Service went live in August 2000.

Reports

Under the provisions of the Pensions Act, 1990 and the Occupational Pensions Schemes (Disclosure of Information) (No.2) Regulations, 1998 Finance Division produced and made available the Ninth Annual Report of the Garda Síochána Superannuation Schemes, 1999.

The Department's annual Appropriation Accounts are prepared in Finance Division and published in a printed volume together with the Report of the Comptroller and Auditor General.

Summary of 2001 Expenditure Allocations (per Revised Estimates Volume)

Non Capital Supply Services

	2000 Allocation £000	2001 Allocation £000	% increase over 2000
Justice & ELR	91,391	168,226	84
Garda	624,485	667,616	7
Prisons	173,343	193,220	11
Courts	35,888	42,455	18
Registries	21,044	21,608	3
Charities	290	307	6
Group Total	946,441	1,093,432	16

Capital

	2000 Allocation £000	2001 Allocation £000	% increase over 2000
Justice & ELR	12,753	29,482	131
Garda	27,298	25,396	-7
Prisons	28,742	37,334	30
Courts	21,520	22,479	4
Registries	0	708	0
Charities	0	0	0
Group Total	90,313	115,399	28

Total Provision (Non Capital and Capital)

	2000 Allocation £000	2001 Allocation £000	% increase over 2000
Justice & ELR	104,144	197,208	90
Garda	651,783	693,012	6
Prisons	202,085	230,554	14
Courts	57,408	64,934	13
Registries	21,044	22,316	6
Charities	290	307	6
Group Total	1,036,754	1,208,831	17

Personnel Matters

Personnel/Human Resources Matters

Staffing

During 2000 Personnel Division was actively involved in the securing of additional resources for the Department, in particular for the Asylum area. The current approved staffing for the Department and its agencies is 7305. The staff serving are as follows:

Headquarters	484
Finance Division, Killarney, Co. Kerry	165
Civilian Staff in Garda Station/Offices	1,089
Refugee Applications Commission	314
Refugee Appeals Tribunal	146
Directorate for Asylum Support Services	57
Ministerial Decisions Unit	8
Immigration & Citizenship	130
Asylum Policy	4
Data Protection Commissioner's Office	8
Equality Authority	50
Office of the Director of Equality Investigations	28
Film Censor's Office	12
Forensic Science Laboratory	52
Garda Siochana Complaints Board	23
Land Registry & Registry of Deeds	607
Legal Aid Board	409
Office of the Commissioners for Charitable Donations and Bequests	8
Prison Service	3,377
Probation and Welfare Service	330
State Pathology Service	4

Achievements

The year under review was a challenging one from the point of view of staff resources. In May, 2000 the

Department of Finance sanctioned 7 staff for the fingerprinting area of Asylum Division. The Asylum area was further expanded in June, 2000 with an additional sanction for a further 370 staff, of which 179 had been assigned by the end of 2000. The Department was actively involved in human resource and industrial relations aspects associated with the proposed establishment of independent agencies of the Land Registry and the Irish Prisons Service.

During the year four internal promotion competitions were held covering all grades and numerous internal promotions took place.

An Assistant Principal conference took place in October, 2000. The opening address was given by the Secretary General, Mr. Tim Dalton. The group was also addressed by Mr. Pat Folan, Assistant Secretary who gave an overview of the Asylum area and the functions of both the Equality Authority and the Office of the Director of Equality Investigations were also relayed to those in attendance by representatives from the respective agencies. Management Consultants attended the conference and addressed the changing nature of the role of Assistant Principal Officer in the Department.

The Department participated in the High Skills Pool Public Sector Recruitment Fair in the RDS on 28 May, 2000. The fair proved extremely successful, there was a high level of interest in the Department's stand and it raised public awareness of the wide range of functions which fall within the ambit of the Department, with particular emphasis on the various grades and promotional prospects available throughout the Department.

In relation to the recruitment process, the Department is working more closely with the Civil Service & Local Appointments Commission through participation on interview boards and meeting with candidates prior to assignment.

Staff Training and Development

Staff Training and Development Section continued to provide a broad range of training opportunities in 2000. Apart from the usual courses provided in the Annual Programme a number of specialised courses were provided this year to reflect the changing needs and emphasis of the Department especially in relation to Equality matters.

Equality Investigations had a special course designed on Administrative Law while the Maternity Legislation Working Group also had a customised course prepared and delivered on the Maternity Protection Act. A number of new projects were also supported by the Training Section including the attendance of one officer at the Leaders for Tomorrow Programme 2000 in the US and another to pursue the Dublin Common Purpose Programme 2000/2001.

The influx of a lot of new clerical staff in the Immigration and Asylum areas led to many extra courses on Customer Care, the Work of the Department etc. being provided at short notice for new entrants in 1 day and 1/2 day modules. During August and September six sessions were organised for staff in the Asylum area on personal safety when dealing with the public.

The launch of PMDS required the purchase of training aids and equipment for this section and the preparations for delivery of extra training arising from Role Profile Forms is ongoing.

This section also arranged and provided administrative support for the Annual AP Conference which was held in October 2000.

Challenges Ahead

As a result of a Government decision in June, 2000 for the provision of an additional 370 staff in the Asylum area, efforts are ongoing to ensure that the outstanding resources are assigned on a priority basis.

Following the Government decision in 1998 for the establishment of a Prisons Service and the conversion to commercial semi-state status of the Land Registry and Registry of Deeds, arrangements are ongoing for the smooth transition of the staff and operations to the new bodies. Arrangements are also ongoing with regard to the relocation of the Legal Aid Board's head office to Caherciveen. Resources for this office have been identified and the recruitment of staff has commenced.

The Department's Strategy Statement 2000 - 2003 contains specific provisions in relation to the further embedding of the modernisation programme including the development of human resource management strategies, staff training development initiatives and a range of equality measures.

Partnership

Considerable progress was made during the year in progressing the Partnership structures established throughout the Department representing staff, management and unions. The Steering Partnership Committee, chaired by the Secretary General, deals with the overall thrust and policy direction of the partnership approach. Eight sub-committees representing the Department's geographical spread and range of functions - Courts Service, Prisons, Land Registry, Legal Aid Board, Forensic Science Laboratory, Probation & Welfare Office, Head Office (encompassing associated offices) and Finance Division, Killarney - met on an ongoing basis to deal with partnership in specific functional areas.

The sub-committees have developed work programmes with regard to strategy statements, business plans and the commitment contained in Partnership 2000 towards modernising the civil service. The work programmes for the various sub-committees include such issues as PMDS, Business Planning, Staff Training & Development, Communications, Information Technology. The participative approach under the terms of Partnership 2000 continued to be developed and refined under the Programme for Prosperity and Fairness (PPF). Personnel Division played a pivotal role during 2000 by monitoring and supporting the eight sub-committees and co-ordinating the Department's overall approach.

Corporate Development and Services

Information Technology

The provision of significant extra resources to the Asylum and Equality area of the Department posed a significant challenge to the Department as the numbers of people and buildings to be supplied with systems, supported & trained grew rapidly.

During 2000 the Department continued to work on its 3 year IT strategy laying the infrastructure for developments in the e-Government area with a Virtual Private Network were put in place in December on which services such as secure inter-agency mail, remote access and teleworking will be developed.

The Department's main web site was redeveloped. The new site features a much improved look and feel with an expanded research area and content being provided directly from the appropriate area of the Department. Associated with the new main site will be the capacity to set up a number of smaller related sites.

The first installation of the Departments new Records Management System went live during the Autumn and there will be continuing development of this system before a wider roll out during 2001/2002. The system incorporates the best practice in marrying electronic and paper records while also supporting collaboration, workflow and process improvement. In addition it addresses legislative requirements under Freedom of Information and National Archives Acts.

In line with the move towards the Prisons Authority significant progress was made during 2000 on a number of major applications: in particular the National Prisoner Records (PRIS) and Time and Attendance

systems for Prison Officers went live and progress was made on the roll out of a new Financial system and the development of a number of other systems bringing the existing IT programme to its final phase. The Prisons Authority will have an independent IT Division on establishment.

Work continued on the development and roll out of the Criminal Case Tracking system in Courts and the Prisoner Records system which together with the Garda PULSE system provide the pillars for a Criminal History Repository.

Corporate Services

Scheme of Compensation for Personal Injuries Criminally Inflicted

The Government introduced a Scheme of Compensation for Personal Injuries Criminally Inflicted in 1974. The Scheme provides for ex-gratia compensation in respect of expenses and losses incurred as a result of personal injuries, including fatal injuries, which are directly attributable to a crime of violence or which were sustained while helping or trying to help prevent a crime or save a human life. The Scheme was amended in April 1986 to exclude compensation in respect of pain and suffering. The terms of the Scheme, which is non-statutory, were laid before both Houses of the Oireachtas. The Department is responsible for administration in relation to the Scheme.

In 2000 the Tribunal was provided with a funding of £3.153m for the General Scheme. The Tribunal paid out £2.622m in awards. The highest award paid out in 2000 was £623,683.00 and the lowest award was £94.50.

The Tribunal received 232 new applications in 2000 and made decisions in 180 cases. Of the 180 decisions made 153 applicants received awards, 21 applicants had their applications refused and a further 6 withdrew their applications.

The Tribunal also deals with the Prison Officer's Scheme of Compensation for Injuries Criminally Inflicted. This Scheme came into force in 1990 and was backdated to 1986. In 2000 the Tribunal was allocated funding of £1.072m of which £1.012m was paid out in awards. The highest award paid out under the Prison Officer's Scheme in 2000 was £394,518.00 and the lowest award was £514.00.

The Tribunal received 88 new applications in 2000 and made decisions in 72 cases. Of the 72 decisions made 70 applicants received awards and 2 had their applications refused.

Review of the Criminal Injuries Compensation Scheme

A review of the Scheme of Compensation for Injuries Criminally Inflicted is being undertaken at present. The review will take into account all relevant questions and situations, including the recommendations contained in the Report of the Victims Commission in this regard.

During the year under review, discussions were held with Compensation Authorities in other jurisdictions in relation to aspects of their Schemes and with organisations who had made submissions in relation to changes to the Scheme.

While the Scheme is a non-statutory one, any changes to the Scheme, recommended as part of the review, will require the approval of Government and the

revised Scheme must be laid before both Houses of the Oireachtas.

Customer Liaison Panel

During the year under review, the Customer Liaison Panel, membership of which is drawn from representative segments of the Department's "customer base", met on 2 occasions and discussed the service given to customers by the Department. A number of officials of the Department made oral presentations to the Customer Liaison Panel in relation to aspects of the Department's functions and remit.

Violence Against Women

The National Steering Committee on Violence Against Women, established in 1997, is responsible for ensuring that a multi-agency, comprehensive and cohesive response is provided to women experiencing violence. Together with eight Regional Committees, established in each of the Health Board areas, it aims to highlight the issue, create a greater public debate on the topic and work to provide services for women within their respective areas.

As part of its remit it conducts awareness raising of the issue of violence against women and to date has carried out two campaigns. In 2000 a very successful campaign was undertaken, directed at the public, and urged them to support victims of violence and combat physical, sexual and emotional violence. The Launch coincided with International Women's Day, 8 March, 2000. The awareness campaign was awarded a Certificate of Recognition by the International PR. Association in the 2000 Golden World Awards Programme.

A series of leaflets entitled "Important Information for

Women" which were launched in December, 1999, were distributed nationally in the year 2000 to various organisations where women who are experiencing violence visit.

The Committee also produced a National Directory of Services for Women Experiencing Violence or the Threat of Violence. The Directory was launched in July, 2000. The Directory is also available on the Internet, however an updated version will be distributed in the near future.

Also in 2000, the Committee evaluated a proposal for the establishment of a single crisis telephone referral service. This proposal is still under consideration.

A number of research projects, which will advise the work of the National Steering Committee, are underway. These include the attrition rates in rape cases, the impact of domestic violence on children, the development of services within the refuge movement and rape crisis centres.

Civil Legal Aid

The Legal Aid Board, which operates under the aegis of the Department, makes the services of solicitors and barristers available to people of limited means at 30 full-time and 14 part-time law centres around the country, and at the Refugee Legal Service in Dublin. The Legal Aid Board has a staff complement of 410, including an additional 76 staff sanctioned in October, 2000 to deal with the increasing demand for the Refugee Legal Service. This will bring the number of solicitors employed to 112.

The Legal Aid Board has a vital role to play in providing access to justice in civil matters to people on low

incomes. Family law cases account for approximately 96% of cases dealt with by the Board.

In 2000, the Board's Grant-in-Aid was increased by 8% from £11.95 million to £12.90 million.

The number of persons provided with legal services through law centres in 2000 was 14,275. The number of persons awaiting a first appointment with a solicitor was reduced by 31%, from 2,900 in December 1999 to just over 2,000 at the end of December 2000.

Legal aid and advice is provided mainly through law centres by solicitors in the full-time employment of the Board. In the Dublin area, the Board engages private solicitors in domestic violence, maintenance and custody/access cases in the District Court to complement the law centre service. This scheme was extended nationwide in 2000. The services of counsel are provided in accordance with the terms of an agreement between the Bar Council and the Board.

The Refugee Legal Service was established by the Board in 1999 with a staff of 30 to provide legal advice, assistance and aid at all stages of the asylum process to persons applying for asylum in Ireland. The RLS provided legal services to about 1,600 asylum seekers in 1999. In 2000, the RLS provided legal services to 3,419 clients of which 1,262 were referred to private practitioners.

In November 2000, the Legal Aid Board received sanction to increase the number of staff in the Refugee Legal Service (RLS) to 140, and this additional complement is currently being recruited through a variety of locally managed and Civil Service Local Appointments Commission competitions. The RLS

moved to a new premises in December 2000 to facilitate the additional staff. An additional premises is currently being fitted out to facilitate the full expansion of the service. New offices will also open shortly in Galway and Cork and premises are planned in Athlone and in the South East for the RLS. The budget increased from £1 million in 1999 to £7.9m in 2001 to facilitate the expanded service.

The service also uses private practitioners to represent legally aided asylum applicants before the appeals authorities.

In September 2000, the Legal Aid Board recruited a librarian to take over the responsibility of running the Refugee Documentation Centre, which had been established by UNHCR. This centre provides essential legal material in relation to the asylum process, as well as up to date country of origin information. This service is provided to the UNHCR, Refugee Legal Service, the Department of Justice, Equality and Law Reform, the Appeals Authorities, Private Solicitors and Barristers on the Boards panel and asylum seekers themselves.

The Government decided in July 1999 to transfer the Board's headquarters to Cahirciveen in Co. Kerry. The site in Cahirciveen is being developed with a view to the transfer taking place in spring/summer 2002.

The Board launched its second Corporate Plan for 1999-2001 in November 1999, and this seeks to further embed a strategic management approach in the conduct of our business, by providing clear guidance on goals and objectives and creating an overall framework for translating strategy into action at all levels within the Board's structures.

Comhairle na Míre Gaile (Deeds of Bravery Awards)

Presentations of medals and certificates awarded by Comhairle na Míre Gaile, the Council for the recognition of Deeds of Bravery, were made to 44 people during 2000. These awards were made in respect of 26 incidents of bravery submitted to Comhairle. Awards presented were as follows:

- 15 Bronze Medals & Certificates,
- 4 Silver Medals & Certificates,
- 25 Certificates.

State Pathology Service

During the year under review Corporate Services Division participated in the planning for new accommodation for the State Pathology Service.

Forensic Science Laboratory

A major review of the operation, functions, and internal structures of the Forensic Science Laboratory was undertaken during 2000. The review also looked at the deployment of staff and grading structures within each section of the Laboratory. Corporate Services Division participated in the review.

Bookmakers Licences

Corporate Services Division is responsible for processing applications by Bookmakers who reside outside of the State for a Certificate of Personal Fitness from the Minister for Justice, Equality and Law Reform. During the year under review a total of 62 applications were processed.

Accommodation

During 2000, Corporate Services Division worked to

meet the increasing accommodation needs of the Department and its associated Offices and Agencies.

Censorship of Films

In the year under review, the Department introduced an Order extending certain sections of the Video Recordings Act, 1989 relating to certification and classification of videos, to include all video works. Previously, only videos supplied for the first time on or after 1st September, 1994 were required to be submitted to the Film Censor for certification and classification. The introduction of this Order now imposes on video distributors a legal requirement to submit all videos for certification and classification.

Coroners Service

The Department made regulations, during 2000, which replace the Coroners Act, 1962 (Fees and Expenses) Regulations, 1996. These regulations prescribe various fees and expenses to be paid to a coroner for holding an inquest outside the coroner's district, the fee chargeable for furnishing a copy of a document and the fees and expenses payable in connection with post-mortem and special examinations.

Organisation Development

Key Policy Developments

The implementation of the Department's objectives and strategies, as outlined in the Strategy Statement *Community Security and Equality 1998-2000* continued. Implementation was supported by a formalised business planning and management process.

The Performance Management and Development System (PMDS) for the civil service was launched by the Taoiseach on 11 May 2000. The Department established a Project Management Implementation

Group, and 10 trainers were appointed to roll-out training modules to staff. Information seminars for all staff took place in September-October 2000, and training in Module 1 of PMDS commenced in November 2000.

The organisation change programme for the Department, as part of the Strategic Management Initiative, involving the devolution of authority, responsibility and accountability from the Department to a number of existing and planned agencies continued during 2000 and is dealt with under the relevant sections of the Report.

A management forum for the Justice and Equality Sector, representing all the heads of agencies across the sector, was established under the chairmanship of the Secretary General in September 2000. The purpose of this forum is to support and advance modernisation initiatives across the sector as a whole to meet Programme for Prosperity and Fairness (PPF) commitments. As part of this work, each organisation in the group is developing strategies and performance indicators across a range of management and organisation initiatives which address the PPF modernisation requirements. A Quality Assurance Group for the Sector has been established to evaluate progress on these initiatives.

Research

In 2000, a sum of £400,000 was made available for research projects in the Department. Projects agreed in 2000 include a source book on youth crime, a project on self-harm and suicide among prisoners and research on the 3% disability target in the public sector.

Other Developments

Support for crime victims

Funding of the Victim Support organisation continued to expand with an allocation of £855,000 for 2000 reflecting the Department's emphasis on raising the level of services for victims of crime. The services were developed and improved and were available on a nationwide basis by the end of 2000. Negotiations in relation to a new Framework Decision on the position of victims in criminal proceedings were conducted by the Department throughout the year. The measure is designed to approximate the laws and regulations relating to victims and their rights. It will provide a consistent, co-ordinated standard of care and support before, during and after criminal proceedings.

Illegal and Harmful use of the Internet

The ongoing implementation of the Report of the Working Group on the Illegal and Harmful Use of the Internet continued with the establishment of the Internet Advisory Board in February 2000. The primary remit of the Board is to supervise the system of self-regulation of the Irish Internet service provider industry and to generally monitor downside issues associated with the Internet. Throughout 2000, the Board engaged with the industry on a range of topics including the development of an industry code of practice and the consolidation of the industry's Association (the Internet Service Provider's Association of Ireland - ISPAI).

Review of the Coroner Service

The Working Group on the Review of the Coroner Service concluded its deliberations during the year and its report was published in December 2000. The Government approved the preparation of a draft scheme of a Bill to replace the existing 1962 Coroners Act.

Gaming and Lotteries

An Interdepartmental Review Group completed its review of the Gaming and Lotteries Act, 1956 and its report was published in June 2000. Government approval for preparing a new Bill was also obtained.

Land Registry and Registry of Deeds conversion to semi-State

Government approval for the preparation of the drafting of the new Property Registration Authority of Ireland Bill was obtained in summer 2000 and work commenced on the new Bill. Consultations about personnel aspects of the conversion continued in conjunction with Registries management and Staff Associations.

Censorship

Work on the review of the current legal and structural arrangements for censorship continued in 2000 including the preparation of a discussion paper on the various options for change in this complex social area.

Media/Information

The Press Office is responsible for all media matters relating to the Minister for Justice, Equality and Law

Reform, the Minister of State at the Department of Justice, Equality and Law Reform and the Department of Justice, Equality and Law Reform.

During 2000, the Press Office issued over 300 press statements to the national media on behalf of the Minister. These concerned most areas of the Department's remit including announcing the publication of Bills, matters relating to asylum and immigration, matters relating to tackling crime, security matters and the Garda Síochána.

The Press Office was responsible for drafting over 149 speeches for the Minister during 2000.

During 2000 the Office handled thousands of calls mainly from journalists seeking information, responses, explanations and so forth. While all areas of the Department's work generate media interest, matters relating to new legislation, the Minister's anti-crime policies and asylum and immigration issues attracted the greater degree of interest from the media during 2000.

Appendices

Appendix A

Main Functions of the Department

The Department's principal functions can be summarised as follows:-

- The preservation of **Law and Order** and the **security of the State** through its support for the workings of the Courts, Prisons and Garda Síochána.
- Promoting and implementing **Law Reform**, both Criminal and Civil.
- Reforming **Family Law**.
- **Promoting and implementing equality** through the Equality Authority and the Director of Equality Investigations.
- Promoting **Equal Opportunities** on a wide range of grounds.
- Funding and providing for the administration of **Legal Aid Schemes** for both Criminal and Civil matters.
- Providing for proper registration of ownership of land (**Land Registry** and **Registry of Deeds**).
- Providing for **Film Censorship, Charitable Donations and Bequests, Censorship of Publications, Criminal Injuries Compensation, Garda Síochána Complaints** and **Data Protection Law** through its associated Boards and Tribunals.

- Processing applications from non-nationals in relation to admission, residence, **Citizenship and Asylum**.
- Operation of **Central Authority for International Child Abductions**.
- Operation of **Central Authority for International Maintenance Recovery**.

[The Department is also responsible for matters relating to Auctioneers and House Agents, certain regulatory aspects of the Betting Act, 1931, Coroners, Dance halls, Explosives, Firearms, Gaming and Lotteries, Intoxicating Liquor, Landlord and Tenant matters, Moneylending, Pawnbroking, Peace Commissioners, Standard Time and Street and house-to-house collections].

Appendix B

An Overview of the Structure of the Department

Garda Divisions

Garda (Administration) Division is responsible for administration of policy in areas such as Garda recruitment, training, discipline, promotion and deployment. It also deals with estimates, monitoring Garda expenditure, civil claims, transport, equipment, EU policy matters relating to policing generally and overseas service by Gardai.

Garda Planning Division is responsible for policy and implementation in relation to Garda computerisation and telecommunications, as well as the Garda Building

and Stations Maintenance Programme(s). It provides support for the administration of the Garda Síochána Complaints Board, which is independent in the discharge of its functions.

Garda C. & A. Division is responsible for the administration of the Garda Conciliation and Arbitration Scheme and the administration of the Garda Síochána Compensation Acts. The Garda C. & A. Scheme involves the processing of claims relating to pay and conditions of members of An Garda Síochána up to and including Chief Superintendents. The Garda Síochána Compensation Acts provide a compensation scheme for members of An Garda Síochána who die or are injured as a result of a malicious act in the course of or in relation to the performance by them of their duties as members of An Garda Síochána.

The **Garda SMI Division** is responsible for the development and implementation of the programme of change arising from the recommendations of the Report of the Steering Group on the Efficiency and Effectiveness of the Garda Síochána.

Crime Divisions

Crime I Division is responsible for general crime policy matters and also for issues relating to the enforcement of the criminal law. The Division also deals with policy issues on road traffic matters and has an input to the National Road Safety Strategy and other related strategic issues. The Division is also responsible, in conjunction with An Garda Síochána, for the development of crime prevention measures and social inclusion structures.

Crime II Division is responsible for the development and improvement of the Department's

policy response to the problem of Drugs and Organised Crime.

Security and Northern Ireland Division deals with general security matters and matters relating to Northern Ireland relevant to the Department's general area of responsibilities, for example arms decommissioning.

Firearms and Explosives Administration Unit deals with policy in relation to the control of firearms and explosives and in particular is responsible for the administration of the Firearms Acts, 1925 to 2000 and the Explosives Act, 1875 and related legislation.

International Mutual Legal Assistance and Extradition Division

The Mutual Assistance and Extradition Division discharges the Department's designated role under International Conventions and Agreements in the criminal field in regard to the processing of incoming and outgoing requests for mutual legal assistance/judicial co-operation. The Division also participates in initiatives at international level to extend the scope of such requests and to facilitate the operation of the relevant Conventions or Agreements. In relation to extradition, the Division carries out the administrative functions associated with the Minister's role under the Extradition Acts.

Courts Division

The role of Courts Policy Division is to develop policy for the Courts, which not only has regard to the Courts system itself, but also has regard to co-ordinating and integrating the policy objectives of the

Minister and the Government across the wider criminal justice system. The Division also discharges ministerial functions in relation to the Courts, including matters related to judicial appointments/salaries, the making of Rules of Court and the preparation of material in relation to the Minister's accountability to the Dáil on court issues.

The Division is responsible for policy underlying Courts related legislation and the Department's liaison with the Courts Service regarding Estimates, financial matters, staffing levels and court buildings.

In addition, Courts Policy Division is responsible for the administration of the Criminal Legal Aid Scheme in the areas of policy, preparation of legislation, compilation of Estimates and accountability to the Dáil.

Human Rights Division

The Human Rights Division is responsible for formulating proposals in relation to the Government's commitments, under the Northern Ireland Agreement, to bring forward measures to strengthen and underpin the constitutional protection of human rights, the establishment of a Human Rights Commission and the consideration of the question of incorporation of the European Convention on Human Rights into Irish Law.

Prisons Division

Prisons Operations Division is responsible for the day to day administration of prisons, regimes, security, prisoner numbers. It advises the Minister in relation to reviews of sentences and deals with remission, temporary release, transfers, etc.

Prisons Personnel and Finance Division is responsible for developing and implementing personnel

policy for the Prison Service on such issues as Personnel management, industrial relations, control of absenteeism, welfare of staff, discipline, recruitment and training. This Division also has responsibility for Prisons estimates and expenditure, prison staffing issues, overtime control, stores control etc..

Prisons Planning Division is responsible for the development and implementation of policy in relation to maintenance, refurbishment etc. of existing Prison stock and the provision of additional new Prison accommodation.

The Prisons Division also provides a range of support services for the **Probation & Welfare Service (P. & W.S.)** which serves the courts, prisons, places of detention, and some special schools. It is a countrywide service. The aim of the service is to reduce the level of delinquency/ criminal behaviour in society, in the interest of both society and the individual. Prisons Division also has responsibility for the development of policy and overseeing its implementation in the areas of work training, psychological, educational and welfare services to prisoners.

The **Petitions** Unit and the Peace Commissioners unit also come under the auspices of Prisons Division. The former processes petitions to the Minister for reductions of penalties and/or sentences imposed by the Courts while the latter processes nominations for appointment to the office of Peace Commissioner.

Immigration and Citizenship Division

Immigration and Citizenship Division is responsible for the development and implementation

of policy in relation to the admission and residence of non-nationals in the State and the granting, where appropriate, of Irish Citizenship. It is responsible for the issue of visas, where appropriate through the consular services of the Department of Foreign Affairs. It is responsible also for the processing of applications for certificates of naturalisation and for other matters concerned with the acquisition of citizenship. Reported non-compliance with the law regarding the admission and residence of non-nationals is one of the matters dealt with in this Division - in co-operation with the Garda Síochána, as appropriate.

Asylum Policy Division

Asylum Policy Division is responsible, inter alia, for the development and implementation of policy (both domestic and Ireland's input at EU/International levels) in relation to asylum seekers.

However, applications for asylum are dealt with by two independent statutory offices:

- The *Office of the Refugee Applications Commissioner* (RAC) which considers applications for asylum at first instance and makes recommendations to the Minister for Justice, Equality and Law Reform as to whether a person should be granted or refused refugee status;
- The *Refugee Appeals Tribunal* (RAT) which deals with appeals in respect of applications for asylum.

The *Directorate for Asylum Support Services* which was established in November 1999, co-ordinates the provision of services to asylum seekers. It is expected that the Directorate will be replaced by the *Reception and Integration Agency* (RIA), which will incorporate the

former Refugee Agency, in early 2001. The RIA will have responsibility for:

- Planning and co-ordinating the provision of services to both asylum seekers and refugees;
- Co-ordinating and implementing integration policy for all refugees and persons who, though not refugees, are granted leave to remain; and
- Responding to crisis situations which result in relatively large numbers of refugees arriving in Ireland within a short period of time (e.g. the Kosovars who were invited to Ireland in 1999).

Equality Division

Equality Division is responsible for developing the policy and legal framework to advance equal opportunities, particularly in the areas of employment, decision-making, access to goods, facilities and services and family friendly policies. The Division works to advance equality primarily through legislative, administrative and monitoring mechanisms. It acts in a liaison capacity between Head Office and the Office of the Director of Equality Investigations and the Department and the Equality Authority. The Equality Authority and the Office of the Director of Equality Investigations were established under the Employment Equality Act, 1998. The Division has a lead function in supporting the implementation of the gender mainstreaming in the National Development Plan and in implementing a programme of positive actions for women.

Equal Opportunities Childcare Section has responsibility for developing childcare provision and implementation of the Equal Opportunities Childcare

Programme through Exchequer funding and funding provided from the National Development Plan, 2000 to 2006. The Section works to increase the quantity and quality of childcare services, both in the community and private sectors, as well as developing a co-ordinated approach to childcare provision at local and national level over the course of the National Development Plan. The Plan enables the Department to provide for the further development and expansion of childcare facilities to address the needs of men and women in reconciling their childcare needs with their participation in employment, training and education.

International Policy Division

International Policy Division has responsibility for servicing various European Union and other international fora dealing with matters within the Department's remit.

Law Reform Divisions

The **Criminal Law Reform Division** is responsible for the preparation of laws relating to the reform of the criminal law and is involved in keeping areas of criminal law under review so as to identify the potential for reform. In addition, staff of the Division participate in international meetings including those at E.U., Council of Europe and the United Nations level in relation to criminal law matters, the drawing up of agreements, treaties, etc. On matters of mutual interest relevant to the enforcement of the criminal law and the preparation of legislation to give effect in the State to those instruments.

The **Civil Law Reform Division** has the function of preparing laws relating to civil law not within the functional remit of any specific Department as well as servicing the legislative needs of other Divisions within

the Department. The Division keeps areas of the civil law under review so as to identify the potential for reform. In addition, staff of the Division participate in international meetings including those at E.U., Council of Europe and the United Nations level in relation to civil law matters, the drawing up of agreements, treaties etc. on matters of mutual interest relevant to the enforcement of civil law and the preparation of legislation to give effect in the State to those instruments.

The Civil Law Reform Division has responsibility for the Central Authorities on international child abduction and international maintenance recovery.

Personnel Division

Personnel Division is responsible for all aspects of personnel management and the implementation of Civil Service policy in the Department. It has overall responsibility for staff in the Department's Headquarters and associated offices, the Finance Division in Killarney, the Probation & Welfare Service, civilian staff in Garda stations/offices and staff in the Land Registry/Registry of Deeds. The Division has overall responsibility for expenditure on staff salaries.

Personnel Division also provides for the training needs of staff and administers the Civil Service Conciliation and Arbitration Scheme in relation to Departmental matters. The Employee Assistance Service provides a confidential support service for all staff in the Department and associated Offices.

Finance Division

Finance Division in Killarney is responsible for issuing payments for the supply of goods and services to the Department including staff expenses; and for the

payment of salaries, overtime and allowances; and for the payment of Garda pensions. The Division also coordinates the Department's annual estimates of expenditure and appropriation accounts and provides regular financial reports to managers across all of the Department's business areas (Votes) and to the Department of Finance.

Internal Audit Unit

The purpose of the Internal Audit Unit is to ensure that systems of internal control exist to enable the Department achieve its objectives at maximum economy and efficiency. This Unit covers the audit function in relation to the Garda Síochána, Prisons Service, Land Registry and various offices such as Legal Aid Board, Garda Complaints Board, Forensic Science Laboratory etc.

Corporate Services Division

Corporate Services Division provides the support services to ensure that the Department and its associated offices operate as efficiently and effectively as possible. In so doing, it is responsible for procurement of non-IT equipment and stationery, provision and maintenance of accommodation, telecommunications etc. for the Headquarters of the Department and some of the associated offices which do not have a local purchasing office of their own. It is also responsible for the provision of file registry, information resources and messenger services for the Department.

Corporate Services Division administers the Minister's and Department's functions and acts as a liaison in relation to the various offices associated with the Department such as the Land Registry and Registry of Deeds, the Office of the Film Censor, the Office of the

Censorship of Publications Board, the Office of Charitable Donations and Bequests, the Data Protection Commissioner's Office, the Legal Aid Board, the Forensic Science Laboratory and the State Pathology Office. It also co-ordinates the Department's responses to Government memoranda, replies to Parliamentary Questions and to representations and/or correspondence where two or more line Divisions of the Department are involved.

In addition, Corporate Services Division is responsible for administering the functions of the Minister and the Department as contained in a wide range of legislation such as the Gaming and Lotteries Act, 1956, the Coroners Act, 1962, the Auctioneers and House Agents Acts, 1947-1973 and the Intoxicating Liquor Acts. The Division also deals with the issue of Violence against Women and provides the Secretariat to the National Steering Committee on Violence against Women.

IT Division

IT Division is responsible for providing and supporting Information Technology solutions to other Divisions/Sections of the Department. This Division has an overseeing role in relation to Information Technology in the other Agencies/Offices associated with the Department, with the exception of the Garda Síochána and the Land Registry/Registry of Deeds. The Courts service has a separate IT function which caters for its needs and the process of establishing an independent IT unit to cater for the needs of the Prisons Authority is underway.

Organisation Development Unit

Organisation Development Unit plays a key role in the development and implementation of the

modernisation programme as outlined in the Programme for Prosperity and Fairness (PPF). The aim of this programme is to improve resource management, organisational responsiveness and service delivery. This work builds and develops on previous initiatives undertaken within the strategic management approach and the extensive programme of organisation change in place in the department since 1997. Key aspects of the modernisation programme that ODU is responsible for is the development of the strategic framework in the Department, the management and implementation of Performance Management and Development System (PMDS) and the operation of the Justice and Equality Sector Steering Group.

Project Development Division

Project Development Division is responsible for the updating and development of policy in relation to a range of issues, through the establishment of discrete projects in particular policy areas. Current projects include policy reviews in the area of censorship, gaming and lotteries, the Coroners Service and the illegal and harmful use of the Internet.

Appendix C

Freedom of Information

The Freedom of Information (FOI) Act came into effect on 21 April, 1998. This Act gives persons the right to access records held by Government Departments and certain public bodies. A person does not have to specify why access to particular records is required and the Government Department or body concerned must provide an explanation to the requester if access to any record being sought is refused.

Decisions on FOI applications must normally be made within 4 weeks. The applicant has the right to seek an internal review by the body concerned of any decision and can also apply to the Information Commissioner for a complete review of the case if s/he is not happy with the result of that review.

The following records held by Government Departments or certain public bodies may be requested:

- any records relating to you personally, whenever created
- all other records created after 21 April, 1998.

A 'record' can be a paper document, information held on computer, printouts, maps, plans, microfilm, microfiche, audio-visual material, etc.

During the year of 2000, 683 FOI requests were received by this Department. Table 1 *Type of Request* shows that 232 of the 683 requests received related to access to personal records, 439 to non-personal records and 12 for both personal and non-personal records.

As can be seen from Table 2, *Requests by Type of Requester*, staff accounted for 140 of the 232 requests seeking access to personal records. These 140 requests related primarily to staff seeking access to their personnel files. The remainder of the 232 requests were from members of the public seeking access to their own records. Of the 439 requests seeking access to non-personal records, 272 were from journalists, 10 from members of the Oireachtas, and 68 from businesses, e.g. solicitors, companies, etc.

The subject matter of requests for which access to records were either part-granted or granted in full ranged from Gaming and Lotteries Review Group, Background papers to PQs, Ministerial Expenses, CCTV, Business Plans, Expenditure Reviews, to Research Projects and various reports prepared by the Department.

106 appeals were made to this Department seeking internal review of the original decisions. 31 of these internal reviews resulted in the release of further records and 46 were referred to the Information Commissioner by the requesters for review. In 2000 the Information Commissioner made 24 determinations in respect of records held by this Department. In 7 cases agreement was reached with the requester and the Department regarding the release of records, in 6 cases he upheld the Department's original decision, in 6 cases he annulled the Department's decision and the remaining 5 cases were withdrawn by the requesters. Findings of the Information Commissioner can be viewed on his Office website <http://www.irigov.ie/ioc>

The Department has published two comprehensive reference books setting out information about rules, practices, guidelines, functions, classes of records, etc. of the Department. The publication of this information is in compliance with Sections 15 and 16 of the Act. The reference books are available, for inspection, in Public Libraries, Garda Stations, Court Offices and all offices of the Department. In brief the reference books contain the following information:

Section 15 Reference Book, entitled, "*Guide to the Functions and Records of the Department*" sets out:

- a general description of its structure, functions, powers and duties,
- services it provides for the public,
- a general description of the classes of records held by the Department.

Section 16 Reference Book, entitled, “Rules and Practices” sets out:

- the rules, procedures, practices, guidelines, precedents and interpretations used by the Department.

Freedom of Information requests, for records held by this Department, should be made, in writing, to *The Freedom of Information Officer, Press and Information Office, Department of Justice, Equality and Law Reform, 72/76 St. Stephen’s Green, Dublin 2*, stating that the request is made under the Freedom of Information Act **and clearly identifying the records** to which access is being sought.

Table 1: “Type of Request”

Month	Applications Received			Requests					Internal Reviews Received	Appeals to Info Comm’r
	Personal	Non-personal	Mixed	Granted	Part Granted	Refused	W’drwn Handled outside FOI	Transferred		
Jan	15	61	0	8	4	6	6	1	15	4
Feb	31	34	1	33	12	36	4	3	6	7
March	17	54	0	30	13	24	11	2	15	8
April	13	23	1	15	16	32	5	1	10	3
May	24	22	0	15	17	10	4	8	8	3
June	20	56	0	8	16	4	7	0	4	3
July	17	39	1	48	14	21	4	0	9	6
August	19	34	3	22	12	11	9	0	9	2
Sept.	17	20	2	19	14	10	9	2	12	2
Oct.	20	30	0	11	9	12	5	1	3	5
Nov.	28	46	3	19	11	13	2	2	7	3
Dec.	11	20	1	35	19	15	3	1	8	0
Total	232	439	12	263	157	194	69	21	106	46

Table 2 - "Requests by Type of Requester"

Month	Journalists	Business	Members of the Oireachtas	Staff	Others	Total
January	47	4	0	10	15	76
February	23	6	2	29	6	66
March	41	3	1	10	16	71
April	8	7	0	7	15	37
May	12	4	0	15	15	46
June	44	7	1	9	15	76
July	24	10	0	14	9	57
August	23	5	1	11	16	56
September	9	6	1	9	14	39
October	9	7	0	7	27	50
November	29	5	0	18	25	77
December	3	4	4	1	20	32
Total	272	68	10	140	193	683