

**Work done by Minister Alan Shatter during  
First Three Years of Government  
March 2011 – March 2014**

## Summary Key Achievements:

- For the first time in the history of the State, Minister Shatter is a Minister in two entirely separate Departments: the Department of Justice and Equality and the Department of Defence.
- Minister Shatter's time in office can be characterised by his true reforming zeal, personal commitment and fearless approach to tackling longstanding issues ignored by previous Government. Minister Shatter has a proven track record in finding solutions to difficult and complex problems, such as the Personal Insolvency Act. He is capable of making difficult decisions and taking on vested interests when necessary. Minister Shatter has acted speedily to provide solutions to issues which previous governments ignored, such as the Magdalen Laundries. Minister Shatter primary motivation has been to act in the public interest.
- During the past 36 months, Minister Shatter has been directly involved in the drafting, publication and enactment of **40** separate pieces of legislation:
  - Minister Shatter has enacted **21** separate pieces of legislation during the past three years
  - Minister Shatter is overseeing a further **5** Bills, which are currently being progressed through the Houses of the Oireachtas
  - Minister Shatter is directly involved in the drafting of an additional **14** Bills
- Since March 2011, the Department of Justice and Equality has had responsibility for two referendums: Judicial Pay Referendum (79%), and the Court of Appeal Referendum (65%), both of which were passed by substantial majorities.
- Unlike previous justice ministers, Minister Shatter has embarked in a significant programme of modernisation and reform of our prisons including: ending the practice of sending children to St Patrick's Institution, bringing an end to the Dickensian practice of slopping out, securing government agreement to deliver a new prison in Cork and the complete refurbishment of Mountjoy Prison.
- Despite the disastrous financial situation inherited from the previous Government, Minister Shatter secured additional funding over and above that allocated by Fianna Fail in their National Recovery Plan for the three year period, 2012-2014, to ensure that An Garda Síochána could continue to deliver an effective policing service. Minister Shatter secured Government agreement for the commencement of a Garda recruitment campaign as well as substantial investment in Garda Vehicles.
- Minister Shatter has effected important changes to the Courts jurisdictions and is working to establish the Court of Appeal approved in last autumn's referendum.
- Minister Shatter is committed to human rights, equality and the rule of law. He recently published the Irish Human Rights and Equality Commission Bill 2014 and has pioneered an EU Human Rights and Equality initiative. He has ensured that the backlog of applications for citizenship was addressed, delivered a restorative justice scheme for women who were resident in Magdalen Laundries and secured Government approval to hold a referendum on marriage equality in 2015.

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## **Legislation Enacted:**

1. The **Personal Insolvency Act 2012** completed its passage through the Houses of the Oireachtas in December 2012. The Act represents the most comprehensive reform of the insolvency and bankruptcy law since the foundation of the State and is a fundamental part of the Government's strategy to return this country to stability and economic growth. The Act introduces three new judicial debt settlement systems for unsustainable secured and unsecured debt. These include a:
  - 1) **Debt Relief Notice** to allow for the write-off of qualifying unsecured debt up to €20,000, subject to a three year supervision period.
  - 2) **Debt Settlement Arrangement** to provide for the agreed settlement of unsecured debt, with no limit involved, normally over five years.
  - 3) **Personal Insolvency Arrangement** to enable the agreed settlement of secured debt up to €3 million, although this cap may be increased with the consent of all secured creditors, and unsecured debt without limit, normally over six years.

The Act continues the reform of the Bankruptcy Act 1988 which Minister Shatter began in the Civil Law (Miscellaneous Provisions) Act 2011. The critical new provision is the introduction of automatic discharge from bankruptcy after three years, subject to certain conditions, rather than the current 12 year arrangement. The required instruments and rules of court necessary to facilitate the commencement of this legislation were put in place and the legislation was commended on 3 December 2013.

The Director-designate of the Insolvency Service of Ireland, Mr Lorcan O'Connor, commenced in his role at the end of October 2012. The Insolvency Service of Ireland was established on the 1 March 2013. A great deal of work was undertaken during a short period of time to get the ISI up and running, including: appointing staff, developing the ISI website, launching an information campaign, publishing guidelines, launching an information line, developing IT solutions and authorising Personal Insolvency Practitioners. Also, in order to facilitate the speedy consideration of insolvency applications a new cadre of Specialist Judges of the Circuit Court was appointed.

From the 9 September 2013, the ISI began accepting applications for the new debt arrangements. To date 128 Personal Insolvency Practitioners and 31 Approved Intermediaries have been registered (March 2014). The ISI will shortly produce statistics covering the first quarter of 2014. It is expected that they will show a steady increase in cases, especially since the beginning of the year, and clear evidence that the Personal Insolvency Act is meeting its key objective of returning insolvent debtors to solvency.

2. The **National Vetting Bureau (Children and Vulnerable Persons) Act 2012** completed its passage through the Oireachtas in December 2012. The Act makes it mandatory for persons working with children or vulnerable adults to be vetted and provides for the use of "soft" information in regard to vetting. This is

information, other than criminal convictions, where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable persons. The Garda Central Vetting Unit will become the National Vetting Bureau under the provisions of this Act and will have a substantially expanded role under new legislation. In January 2013, sanction was obtained for 25 staff to be redeployed to the Garda Central Vetting Unit. This Act forms part of suite of legislative measures prioritised by this Government to enhance the protection of children, including:

- the Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults Act) 2012, and
  - the Children First Bill 2012, which is being progressed by Minister Frances Fitzgerald.
  - The Referendum to strengthen the constitutional rights for children which was endorsed by the people on 10 November 2012.
3. The **Criminal Justice Act 2011** delivered on a key Programme for Government commitment to introduce important legislative reforms to assist the investigation of white collar crime. The Act facilitates the Gardaí in accessing information, documentation and electronically held information. Under the Act, it is a criminal offence to fail to furnish to the Gardaí information which could prevent the commission of white collar crime, or to fail to assist the Gardaí in an investigation into white collar crime. It also introduces important new measures to protect whistleblowers. The Act provides vital assistance to the Gardaí in the completion of investigations which are current as well as providing assistance to them in investigations undertaken in the future. The Act was first successfully invoked in court proceedings in September 2011.
4. The **Criminal Law (Defence and the Dwelling) Act 2011** clarified the law concerning the use of force by a householder when under attack by an intruder in their home. It recognises the special constitutional status of an individual's family home and makes it clear that a person may use reasonable force to defend themselves in their home:
- 1) It provides that a person who uses such reasonable force cannot be successfully prosecuted by the State or sued by a burglar in respect of any injury, loss or damage arising from it;
  - 2) It explicitly provides that a person attacked in the home is not required to retreat;
  - 3) It extends the right to use such reasonable force to the curtilage of the dwelling, and
  - 4) It acknowledges that in circumstances where it is reasonable to do so, the force used may, unfortunately result in death.
5. The **Criminal Justice (Community Service) (Amendment) Act 2011** imposes an obligation on the courts when considering imposing a sentence of 12 months or less to first consider requiring the offender to undertake Community Service,

to the benefit of the local community. This fulfils a key Programme for Government commitment to ensure that offenders serve appropriate prison sentences, while at the same time moving towards less costly non-custodial options for non-violent and less serious offenders. This will result in a reduction in the prison population and will alleviate overcrowding. It has also partially addresses the problem of granting unconditional temporary release to prisoners prior to their becoming eligible for release on remission.

6. The **Criminal Justice (Search Warrants) Act 2012** was passed by the Oireachtas in July 2012. This Act addresses the implications of the Supreme Court Judgment in *Ali Charaf Damache v the DPP, Ireland* and the Attorney General delivered on 23 February 2012. The Court found section 29(1) of the Offences against the State Act 1939 to be unconstitutional. Under the new Act, the impugned section is replaced with a provision that increases the availability of judges empowered to issue search warrants under the 1939 Act, and permits a senior member of the Garda Síochána who is independent of the investigation concerned to issue a warrant in urgent circumstances.
  
7. In July 2012 the **European Arrest Warrant (Application to Third Countries and Amendment) and Extradition (Amendment) Act 2012** completed its passage through the Oireachtas. Its purpose is to provide a mechanism to enable Ireland to give effect in Irish law to Surrender Agreements entered into by the EU with countries other than member states of the Union. The Act provides that the Minister for Foreign Affairs and Trade, following consultation with the Minister for Justice and Equality, may by order apply all or any of the provisions of the European Arrest Warrant Act 2003, which would otherwise apply only to Member States, to a third country where there is an EU Agreement on surrender with that country.

This will enable Ireland to give effect, in Irish law, to the Agreement between the EU and the Republic of Iceland and the Kingdom of Norway on surrender. It will also enable the terms of the European Arrest Warrant Act to be applied to any other countries with which the EU may have surrender agreements in the future, without the need for further primary legislation.

8. The **Jurisdiction of Courts and Enforcement of Judgments (Amendment) Act 2012** was enacted in March 2012. Its objective is to implement the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters signed at Lugano on 30 October 2007. It also specifically applies to orders made in family cases. The 2007 Lugano Convention is to ensure that the same regime will apply for the recognition and enforcement of judgments moving between Switzerland, Norway and Iceland and the EU as the regime which at present prevails within the EU for judgments coming from the Member States. The 2007 Convention was concluded by the European Community in May 2009 and has since been ratified by all of the relevant EFTA countries.

9. The **Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Act 2012** was passed by the Oireachtas in July 2012. The Act creates an offence of withholding information on serious offences where those offences are committed against a child or a vulnerable adult. Serious offences are offences which carry a penalty of imprisonment for 5 years or more. They include most sexual offences and offences such as assault causing harm, abduction, manslaughter or murder.

The Act replicates a similar offence which exists in Irish law under the Offences Against the State (Amendment) Act 1998. However, that Act specifically excludes sexual offences from those offences for which there is an obligation to disclose information. This Act addresses this gap, insofar as it applies to children and vulnerable persons, by expressly including sexual offences in the list of serious offences for which it will be an offence to withhold information.

This Act fulfils one of the legislative commitments made by this Government to strengthen child protection. The Act will complement both the National Vetting Bureau (Children and Vulnerable Persons) Act 2013 and the Children First Bill.

10. The **Property Services (Regulation) Act 2011** was enacted in December 2011. The primary purpose of the Act is to set and enforce standards for auctioneers, letting agents and management companies, to improve the quality of information available on the Irish housing market, and to provide redress mechanisms for consumers of those services.

In April 2012, Minister Shatter formally established the Property Services Regulatory Authority (PSRA) and appointed a Chairperson and ten ordinary members to the Authority. Three Public Registers have been established by the Authority since its own establishment.

1. The **Residential Property Price Register** was published on the 30 September 2012. The purpose of the Register is to improve the quality of information available on the Irish housing market by requiring that the selling price of all dwellings is recorded in a publicly available, national housing price database. The new Register is of substantial assistance in helping people make decisions in relation to one of the most important purchases of their lives.
2. The **Register of Licensed Property Services Providers**, published on the 13 March 2013, includes information on all Property Services Providers (Auctioneers/Estate Agents, Letting Agents and Management Agents) licensed by the Authority to date. The purpose of the new Register is to enable members of the public to make informed decisions when choosing a Property Services Provider to either sell, let or manage properties on their behalf. Consumers will now be able to easily make contact with licensed services providers operating in their vicinity with assurance that the service provider they choose is subject to strict regulation by the PSRA.

3. The **Commercial Leases Register** published on the 31 October 2013 provides for greater transparency by making publically available, for the first time, the relevant details of letting agreements and rent reviews in the commercial property market. In the context of the rent review process, access to accurate information is critical in ensuring that a true market rent emerges from that process and that all parties are on an equal footing in terms of ability to access such information. The Register satisfies the real need for an independent and publicly accessible database to address the information deficit which exists in this area.

These registers are available on [www.psr.ie](http://www.psr.ie)

In May 2012, Minister Shatter sought expressions of interest from suitably-qualified persons for membership of the Property Services Appeal Board. Members of the Appeal Board were appointed by the Government in July 2012.

11. The **Civil Law (Miscellaneous Provisions) Act 2011** implements important reforms across a diverse range of legal areas addressed in over 40 current Acts of the Oireachtas. The reforms apply to the following areas: bankruptcy law; domestic violence; enforcement of District Court Maintenance Orders; the provision of legal aid to victims of human trafficking; provision for civil partners to receive equal treatment to married couples with regard to citizenship matters; express statutory provision for citizenship ceremonies and new citizenship oath; reform of the legal provisions applicable to the appointment of Taxing Masters of the High Court; new arrangements for the protection of documentation furnished to and held by tribunals of inquiry; provision to bring the Family Mediation Service under the aegis of the Legal Aid Board and provision to facilitate the speedy electronic publication of Acts of the Oireachtas on the web immediately upon completion of the legislative process.
12. The **Twenty-Ninth Amendment of the Constitution (Judges' Remuneration) Act 2011** delivered on a key Programme for Government commitment to enable Government to apply to the judiciary the same pension levy and salary reductions that have applied to related pay scales across the public service. The Referendum was passed on the 27 October 2011 with a substantial 79.74% of voters voting in support of the Government amendment.  
  
Since the formation of the Government in March 2011, the Department of Justice and Equality has held two referendums on Judges' Remuneration and the establishment of a Court of Appeal (November 2013).
13. The **Defence (Amendment) Act 2011** provides for amendments to the Defence Acts to expand the potential candidature for appointment to the post of Military Judge and the Director of Military Prosecutions to persons other than members of the Defence Forces and for an amendment to the powers of the Selection Committee to determine a candidate's qualification for appointment to these

posts. In relation to the alternative judge, it also provides for the appointment of a Circuit Court Judge to perform the functions of the Military Judge where the Military Judge is not available for whatever reason. Following a public competition for the post of Military Judge, the Government on 3 July 2012 approved the appointment of Mr. Michael Campion as military judge for the Defence Forces. Mr. Campion was appointed as a Colonel in the Permanent Defence Force and sworn in as a military judge on the in September 2012.

14. **Civil Defence Board Act 2012:** On 12 July 2011 Minister Shatter secured Government approval to dissolve the Civil Defence Board and transfer its functions, property, rights, liabilities and other responsibilities back to the Department of Defence. The transfer of functions results in verifiable savings and allows management to develop the provision of training support, which is a key demand in a voluntary organisation like Civil Defence rather than duplicating the corporate governance of the Department.
  
15. The **Courts and Civil Law (Miscellaneous Provisions) Act 2013** completed its passage through the Dáil on the 17 July 2013. It provided for several important reforms to the Courts, including:
  - Changes to the in-camera rule providing for much greater transparency & confidence in family law and child protection procedures. These changes came into effect on the 12 January 2014.
  - Increasing the financial jurisdiction limits of the Circuit Court from €38,092 to €75,000 and the District Court from €6,384 to €15,000, bringing them in line with current monetary values, and ensuring that cases are brought to the appropriate court level. The increases to the monetary jurisdictions came into force on the 3 February 2014.
  - The appointment of two additional Supreme Court Judges to tackle the delay in cases before that Court and the Court of Criminal Appeal.
  - It also allows for the appointment of extra jurors in lengthy complex criminal trials and allows for legal aid and advice for coroners' inquests into the death of persons in involuntary custody of the State.
  
16. **Land and Conveyancing Law Reform Act 2013:** This Act corrected a lacuna in the law which had the unintended consequence in certain cases of restricting lending institutions from asserting their repossession rights. This Act restored the position intended by the Oireachtas when enacting the 2009 Act. In the course of preparing this Act, Minister Shatter sought and obtained Government approval to include a provision to allow the court to adjourn repossession proceedings in such cases to see whether a Personal Insolvency Arrangement under the Personal Insolvency Act 2012 would be a more appropriate course of action. This means that the court may, in such cases, adjourn the proceedings to facilitate the drawing up of such an Arrangement as an alternative to repossession. The provisions relating to a Personal Insolvency Arrangement in the Insolvency Act 2012 are specifically designed, as far as is practicable, to facilitate a borrower's continued ownership and occupation of his or her

principal private residence unless he or she does not wish to do so or the costs of continuing to reside in it are disproportionately large.

17. **Criminal Law (Human Trafficking) (Amendment) Act 2013:** Trafficking in human beings should not be tolerated and everything possible should be done to ensure the protection of vulnerable people and to bring to justice those who benefit from it. This Act expands the definition of human trafficking to ensure that people are not exploited for the purposes of forced begging and trafficking for criminal activities. This change brings our domestic legislation into full compliance with the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims.
  
18. The **Criminal Justice Act 2013** completed its passage through the Oireachtas on 11 June 2013. This Act has two main aims, to update certain provisions of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 addressing money laundering, and to provide for the cessation of mobile phone services to prevent their use in a terrorist bomb outrage. This Act gives the Garda Síochána and the Defence Forces a necessary tool in the fight against terrorism. It helps protect the public against bomb threats and will reduce the risk to the soldiers and Gardaí who put their lives on the line in responding to terrorist bomb attacks.
  
19. **Prison Development (Confirmation of Resolutions) Act 2013:** The Act confirmed the resolutions passed by the Dáil and Seanad approving the development of a new prison in Cork on a site adjacent to the existing prison. The new prison facility will replace substandard prison accommodation in Cork and provide a modern prison facility designed on the principle of rehabilitation and resettlement. The new prison will provide approximately 275 spaces for prisoners based on double cell occupancy. All the cells will be of a size acceptable to the Inspector of Prisons for double occupancy and will have integral toilets and showers.
  
20. The **Thirty-third Amendment of the Constitution (Court of Appeal) Act 2013** completed its passage through the Houses on the 17 July 2013. This Act set out the Constitutional amendments required to provide for the establishment of a Court of Appeal. On the 4 October 2013, the people of Ireland voted overwhelmingly in favour to establish a Court of Appeal (65%). A Court of Appeal will modernise our court structure and ensure speedier access to justice.

Minister Shatter is committed to ensuring that the new Court will be up and running by October 2014. The general scheme of the Court of Appeal Bill, to make the necessary legislative changes to allow for the establishment of the Court of Appeal was published in February 2014.

21. The **Defence Forces (Second World War Amnesty and Immunity) Act 2013** provides for the granting of an amnesty, and, as appropriate, an immunity from prosecution, to those members of the Defence Forces who served with forces fighting on the Allied side during the Second World War and who were subsequently found guilty by a military tribunal of, or who were, or who still are, liable to be prosecuted for, desertion or being absent without leave, or who were dismissed from the Defence Forces pursuant to the provisions of the Emergency Powers (No. 362) Order 1945.

### **Legislation in progress through the Houses of the Oireachtas:**

22. The **Legal Services Regulation Bill 2011** was published by Minister Shatter in October 2011. Dáil Committee Stage was completed in mid February 2014 and it is expected that the Bill will return for Report and Final Stage in June 2014.

The Bill meets a key commitment in Programme for Government as well as the *EU/IMF Programme of Financial Support for Ireland*. There are four key elements of reform at the core of the Bill:

- 1) provide for **independent regulation** of the legal profession through the establishment of Legal Service Regulation Authority
- 2) provide for an **independent complaints system** to deal with public complaints including those relating to professional misconduct.
- 3) promote transparency in relation to legal costs through the establishment of an **Office of the Legal Costs Adjudicator**;
- 4) allow greater competition and reduce costs by legislating for **Alternative Business Models** that already exist in England, Wales, Scotland, Australia, Germany, Netherlands and Canada.

On the 6 July 2012, Minister Shatter hosted a Conference on “*Regulatory Reform for a 21st-Century Legal Profession*”. The Conference provided an opportunity for lawyers, consumers and other stakeholders to share, first hand, international experience in implementing the modernisation and reform of legal services in other common law countries and to share some of the lessons that have been learned along the way. This Conference fed into the ongoing consideration of the Legal Services Regulation Bill 2011 which is set to modernise the provision of legal services in the State and to bring greater transparency to the way legal costs are determined and charged to consumers.

23. **Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013:** Minister Shatter published the long awaited DNA Database Bill in September which will provide for the establishment of a DNA database. The Database will hold the DNA profiles of every person convicted of any offence that attracts a sentence of 5 years or more, which covers rape and most sexual offences. People serving prison sentences when the legislation is enacted will also have their profiles put on the database. The intelligence generated will be invaluable to the Gardaí in relation to identifying prolific offenders involved in volume

crime such as burglary but also in relation to serious offences against the person, such as homicide and sexual offences. It will contribute to the move towards more effective, targeted and smarter policing and will also facilitate cooperation with other police forces in relation to mobile criminals. Furthermore, enhanced international cooperation provisions will allow the Gardaí to access DNA Databases in other EU member states, and in other countries with which we have bilateral arrangements including the United States. This legislation conforms to the highest human rights standards, and is proportional and fair.

24. The **Criminal Justice (Spent Convictions) Bill 2012**, published on 4 May 2012, will shortly complete all stages in the Oireachtas. This legislation provides for certain convictions to become spent after a number of years conviction-free have elapsed so that people are assisted in returning to the workplace. The length of time that a person must remain conviction-free ranges from 3 - 7 years depending on the sentence originally imposed by the courts. Custodial sentences of 1 year or less as well as a range of non custodial sentences are covered by the Bill.
  
25. **Fines (Payment and Recovery) Bill 2013**: Minister Shatter published the Fines (Payment and Recovery) Bill 2013 on the 19 July 2013. The Bill is currently before the Seanad having completed its passage through the Dáil on 19 February last. The Bill repeals Part 3 of the Fines Act 2010 and replaces it with a comprehensive fines payment and recovery regime that will ensure: that the court takes a person's financial circumstances into account when setting the fine; that it is easier for a person to pay a fine by providing that all fines may be paid by instalments; that where fines are not paid, the court can make an attachment order requiring the person's employer to deduct the fine from their earnings, a recovery order directing a receiver to recover the fine, including through the disposal of assets of the person, or a community service order requiring the person to perform community service; that a person is only committed to prison where it is not possible to make any of three orders referred to above or where a person fails to comply with a community service order. It is expected that subject to the Bill completing its passage through the Oireachtas before the Summer, that its provisions can come into effect this Autumn. The Bill, as amended, is available on the Oireachtas website.
  
26. On the 21 March 2014, Minister Shatter published the **Irish Human Rights and Equality Commission Bill 2014** and the Bill will commence in the Dáil within the next few weeks. This follows a decision made in October 2011 whereby the Government agreed in principle to merge the Irish Human Rights Commission and the Equality Authority into an enhanced Human Rights and Equality Commission. The purpose of this change is to promote human rights and equality issues in a more effective, efficient and cohesive way. The objective of this body will be to champion human rights, including the right to equality. It will play a key role in:

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

14 members-designate of the new Commission were selected in April 2013 in a process independent of Government and appointed initially to the Equality Authority and the Human Rights Commission on an interim basis so that the two organisations may begin to operate as a cohesive whole. Following this experience, it has been decided that the Public Appointments Service should be responsible henceforth for selection of Commissioners, including the Chief Commissioner position which remains to be filled. The PAS has existed in its different forms since the foundation of the State, and has ensured integrity and impartiality in the appointment of civil servants and other public servants. It is fully independent in the discharge of its functions.

The Chief Commissioner position will be re-advertised by the PAS very shortly so that an appointment can be made as quickly as possible.

### **Draft Legislation Published:**

27. **Children and Family Relationships Bill:** On 30 January 2014, Minister Shatter published the General Scheme of a Children and Family Relationships Bill. The draft Bill seeks to reform and modernise our family and children's law to cater for the growing number of families whose needs are not adequately addressed in current law. The draft Bill seeks to provide legal clarity for all families on the parental rights and responsibilities with a central focus on 'the best interests of the child'. The Bill also seeks to provide legal clarity on the parentage of children born through assisted human reproduction and surrogacy, issues for too long ignored.

The General Scheme also addresses issues that were omitted from the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, including the child maintenance obligations of civil partners and the eligibility of Civil Partners to adopt. The current law relating to adoption provides for the adoption of children by married couples and by single persons (irrespective of their sexual orientation), but not jointly by civil partners. Under the proposed General Scheme, a civil partnered couple will be eligible to be assessed jointly as a couple for adoption. This measure removes the current anomaly where

single lesbian and gay individuals can adopt children, but civil partners cannot jointly adopt. ’

This Bill has been referred to the Oireachtas Justice Committee for their consideration. It is expected that they will hold hearings and invite submissions and will report by Easter.

28. **Criminal Justice (Community Sanctions) Bill 2014:** Minister Shatter secured Government approval for the publication of the General Scheme the Community Sanctions Bill on 5 February 2014. The will has been submitted to the Joint Committee on Justice, Defence and Equality for full public consultation.

This legislation will provide a modern statement of the law governing community sanctions and the role of the Probation Service in the criminal justice system. The new legislation will facilitate the effective and efficient use of community sanctions by the courts and will ensure that the courts have a wide range of appropriate options for dealing with persons who have committed minor offences. This should help to reduce the numbers of people unnecessarily imprisoned, at significant cost to the taxpayer, for minor offences. It will be a statutory requirement for the courts to have regard to the interests of victims when making decisions about community sanctions.

Section 6 of the Criminal Justice Act 1993 Act will be amended to disconnect the payment of compensation from the matters that the court may take into account when sentencing the offender. Under the new legislation, a compensation order can only be made in addition to any other sanction, and not instead of a sanction thus breaking the link between the payment of compensation and the sentencing of the offender in criminal proceedings.

The legislation will abolish the Court Poor Box, as recommended by the Law Reform Commission nine years ago, and replace it with a fair, equitable and transparent system of reparation that will apply only to minor offences dealt with by the District Court.

29. **Court of Appeal Bill:** Minister Shatter secured published the General Scheme of the Court of Appeal Bill on the 25 February 2014. This Bill will make the necessary legislative provision for the establishment of the Court of Appeal. This following the successful Court of Appeal Referendum which was held in October 2013 and was passed by 65.2% of voters. The establishment of a Court of Appeal will fulfill a commitment contained in the Programme for Government.

Since the formation of the Government in March 2011, the Department of Justice and Equality has held two referendums: the Referendum on Judges’ Remuneration (October 2011) and the establishment of a Court of Appeal (November 2013).

30. **Sexual Offences Bill:** The Government considered the General Scheme of the Criminal Law (Sexual Offences) Bill 2013 in December 2013 and agreed that it be sent to the Attorney General for formal drafting. The purpose of this Bill is to improve the protection of children from sexual abuse and sexual exploitation by creating new offences and strengthening existing law against sexual abuse, defilement and the grooming of children for sexual exploitation over the internet. New provisions are also being introduced to make it easier for child victims of sexual offences to give evidence. The existing provisions for monitoring and supervising convicted sex offenders are being strengthened. The Bill will also provide for a change in the law on incest so that men and women who are found guilty of abusing their children are treated equally before the law.
31. **Gambling Bill:** On the 15 July 2013, Minister Shatter published the General Scheme of the Gambling Control Bill. This legislation will effectively regulate the new and dynamic gambling sector that has emerged in recent years, while also provide the opportunity to introduce important new measures to protect vulnerable adults and young people. The updated legislation and new regulatory regime will provide for a consistent interpretation and application of the law across all areas of gambling and as a result, it will bring legal certainty to the area. The number of casinos will be limited to 40 and no casino will be permitted to have more than 15 tables. Every application will be subjected to vigorous checks, including deep and extensive checks on the promoters.. The Bill has been referred to the Joint Oireachtas Justice and Defence Committee for their consideration, and they will invite stakeholders to submit submissions on the Bill. The Bill has been referred to the Attorney General for formal drafting and publication is expected in early 2015.
32. On 19 June 2012 the Government approved the general scheme of the **Criminal Justice (Corruption) Bill 2012**. This Bill, when enacted, will clarify and strengthen the law criminalising corruption. It will replace seven overlapping corruption Acts stretching back to Victorian times. Specifically, the Bill will replace and update existing offences relating to giving or receiving bribes. It will also introduce new offences in relation to corrupt influence peddling. Stiff penalties of up to 10 years imprisonment and unlimited fines are envisaged for persons convicted on indictment. In addition the Scheme provides for the Courts to be given new powers to remove public officials from office and to exclude them from holding office for up to 10 years. This Bill has been considered by Joint Oireachtas Justice Committee and is being further drafted.
33. On 17 April 2012, Minister Shatter published the General Scheme of the **Criminal Records Information System Bill 2012**. The Bill will codify the procedures to apply in relation to the exchange of criminal records data with other states. The Bill also creates a specific obligation on the Gardaí to inform other states when citizens of those states are convicted of criminal offences in Irish courts. Equivalent obligations are currently being legislated for in all EU Member States in accordance with the provisions of an EU Framework Decision. The Bill will provide for the Garda Commissioner to act as a central

authority with responsibility for maintaining a national criminal records register which will include centralised records of both domestic and foreign criminal convictions.

34. On 1 March 2012, Minister Shatter published the General Scheme of the **Mediation Bill 2012**. The objective of the Bill is to promote mediation as an alternative to court proceedings to reduce legal costs, speed up the resolution of disputes and relieve the stress involved in court proceedings. Minister Shatter is anxious to ensure that individuals involved in disputes regard mediation as preferable to court litigation. The draft Bill was forwarded to the Joint Oireachtas Committee for Justice, Defence and Equality for their consideration. The Report of the Committee on the Bill was published on the 21 June 2012. The Bill is currently being drafted with a view to publication in 2014.
  
35. **Garda Síochána (Compensation for Malicious Injuries) Bill:** Proposals for a revised Garda compensation scheme were published by Minister Shatter on the 1 August 2012. The scheme relates to a death or injury which is maliciously inflicted upon a member of the Garda Síochána while on duty or in connection with their duties. The proposals represent a major improvement on the current compensation scheme for both Gardaí and the State. The majority of Gardaí who need to access the scheme will receive more prompt payments and the State will have reduced costs in administering the revised scheme. The details of the revised scheme are set out in the Draft General Scheme of the Garda Síochána Compensation (Malicious Injuries) Bill 2012.
  
36. **Landlord and Tenant Law Reform Bill:** The Government approved Minister Shatter's for a Landlord and Tenant Law Reform Bill in September 2011 and it is currently being drafted in the Office of the Parliamentary Counsel. The General Scheme of the Bill is available on my Department's website: [www.justice.ie](http://www.justice.ie). The objective of the Bill is to update and modernise the general law relating to landlord and tenant by repealing numerous pre-1922 statutes, including the Landlord and Tenant Law Amendment Act Ireland 1860 (commonly known as "Deasy's Act"), as well as statutory provisions of more recent origin and replacing them with a streamlined statutory framework more suited to modern conditions. For example, it will contain provisions which clarify the respective obligations of both landlords and tenants and improve protection levels for tenants. However, since much of the law relating to residential tenancies, including renewal of such tenancies and redress mechanisms, has already been updated in the Residential Tenancies Act 2004 and later amendments to it, the principal impact of the reforms in the new Bill will be felt in the area of commercial tenancies.

### **Legislation currently in preparation:**

37. **Immigration, Residence and Protection Bill:** Work on the details of the Immigration, Residence and Protection Bill is ongoing in the Department of

Justice pursuant to current Government policy which is committed, under the Programme for National Recovery, to "introduce comprehensive reforms of the immigration, residency and asylum systems, which will include a statutory appeals system and set out rights and obligations in a transparent way". The Bill provides, inter alia, for the introduction of a single application procedure for the investigation of all grounds for protection and any other grounds presented by applicants seeking to remain in the State.

Several hundred amendments to the Bill are anticipated, the majority of a technical nature. Minister Shatter expressed the considered view that instead of engaging in an extremely cumbersome process of tabling hundreds of amendments to the 2010 Bill, it would be much more efficient to publish a new and enhanced text. Such an approach can incorporate the many anticipated amendments while addressing key outstanding issues, several of which have been of concern to Members including those being raised by the Deputy on this occasion. This proposition was broadly welcomed by the Joint Committee and work on the Bill continues, therefore, on that basis while also taking account of any intervening matters of relevance such as decisions by the Courts.

38. **Restorative Justice Bill:** Minister Shatter will introduce a Restorative Justice Bill to give effect to measures required arising from recommendations of the Magdalen Commission Report
  
39. **Judicial Council Bill:** The Programme for Government undertakes to "legislate to establish a Judicial Council, with lay representation, to provide an effective mechanism for dealing with complaints against judges" and this commitment is being pursued in the proposed Judicial Council Bill. As well as providing for the establishment of a Judicial Council and Board that will promote excellence and high standards of conduct by judges, the proposed Bill is aimed at providing a means of investigating allegations of judicial misconduct supported by the establishment of a Judicial Conduct Committee which will have lay representation. An Interim Judicial Council has been established by the judiciary pending enactment of the Bill. Work on the drafting of the new Bill continues in conjunction with the Offices of the Attorney General and of Parliamentary Counsel and its publication is expected to take place early this year.
  
40. The Government approved the drafting of the **Family Leave Bill** in December 2012. This Bill will transpose the EU Parental Leave Directive and will also consolidate all family leave legislation into one accessible Act. The Bill will provide for an additional 4 weeks Parental Leave per parent per child and will also consolidate all the family leave legislation (maternity, parental, adoptive and carer's leave) into one Bill. Responsibility for Carer's Leave is being transferred from the Department of Jobs, Enterprise and Innovation to the Department of Justice and Equality in the context of this statute law consolidation exercise.

## **Referenda**

41. **Referendum on Judicial Remuneration:** The Government approved the holding of a referendum on judicial remuneration on the 27 October 2011. This Referendum was passed with a substantial 79.74% of voters voting in support of the Government amendment. This enabled the Government to apply to the judiciary the same pension levy and salary reductions that have applied to related pay scales across the public service.
42. **Court of Appeal Referendum:** The Government approved the holding of a referendum to establish a Court of Appeal on the 4 October 2013. This referendum was passed by 65.2% of voters. The establishment of a Court of Appeal will modernise our courts and help to address the backlogs being currently experiences. This fulfils a key commitment contained in the Programme for Government.

## **Matters considered or under consideration for legislation**

43. **Future Direction of Legislation on Prostitution:** In June 2012, Minister Shatter published a discussion document on the future direction of legislation on prostitution. The purpose of the discussion document is to facilitate a public consultation process. The document sets out four broad approaches to legislative policy on prostitution, for discussion. On its publication, the discussion document was referred to the Joint Oireachtas Committee on Justice, Defence and Equality and the Committee published its report on 27 June 2013.

The Department of Justice hosted a conference in October 2012 to discuss the consultation paper. The conference brought together speakers and an audience from a wide and diverse range of backgrounds; including: Detective Inspector Simon Haggstrom from the Prostitution Unit of the Stockholm Police Force and Mr Jack Verbruggen from the Dutch Ministry of Security and Justice.

The Oireachtas Committee Report and the views expressed at the Conference will be fully considered in the framing of any necessary legislative proposals to be submitted to Government in due course.

44. **Cash for Gold:** On 19 June 2012, Minister Shatter published a Report on the Cash for Gold Trade which examines cash for gold transactions having regard to relevant criminal justice considerations. The Report helps crystallise the key issues that have arisen around the cash for gold phenomenon. The Minister formally requested the Joint Oireachtas Committee on Justice, Defence and Equality; to consider the content of the Report; to consider holding hearings on the issues raised in this report and to obtain the views of all relevant interested parties. Minister Shatter has received the Committee's response and it is

currently under consideration. Following this, Minister Shatter will make recommendations to Government that are proportionate and appropriate in the public interest.

## **Prisons**

45. **Cork Prison:** On 29 February 2012 Minister Shatter announced that consideration was being given to the construction of a new prison in Cork as part of an overall strategy to reduce overcrowding and to modernise the prison estate. Since then, substantial work has been undertaken to obtain planning permission, finalise the design of the new prison and to complete tender process. On the 16 January 2014, Minister Shatter signed a €35 million contract with PJ Hegarty and Sons for the construction of the new prison. The new prison is being built on a site immediately adjacent to the existing prison. Construction began on 20 January 2014 and will take approximately 18 months to complete. The new facility, when commissioned, will be ready for occupation before the end of 2015. The new prison will house 275 prisoners and have a maximum capacity of 310 prisoners. The Prison Development (Confirmation of Resolutions) Bill 2013 completed its passage through the Oireachtas on 23 July 2013

46. **Limerick Prison:** In June 2012 Minister Shatter requested the Irish Prison Service to proceed with the preparation of plans for a major redevelopment at Limerick prison including the demolition of the early 19th century A and B wings and their replacement with modern cellular accommodation on a site adjacent to the prison.

Phase 1 of this development will include the construction of a new 100 cell accommodation block for male prisoners while phase 2 will include the construction of a new 50 cell accommodation block for female prisoners and a range of ancillary works.

Enabling works for the project are already well advanced and stage one of a two stage tender process has been completed. A shortlist of contractors who will be invited to tender for the main project has been drawn up from that stage. Work is ongoing and it is now anticipated that construction will commence in 2015.

47. **Mountjoy Prison:** Work was undertaken in 2011 to modernise the C wing of the prison. In March 2012, Minister Shatter visited Mountjoy Prison to inspect the refurbished C Division. The refurbishment project included in-cell sanitation in all cells on the C Division and a dedicated Drug Free Area on the C3 landing which has been introduced as part of the enhancement of drug treatment services in all closed prisons. The refurbishment of the A and B Divisions is also now complete.

In order to facilitate the final stage of the refurbishment of Mountjoy Prison, the D wing has been closed. A tender process for the refurbishment of D wing has been completed and a letter of offer has issued to the preferred bidder. The refurbishment works are expected to commence later this year.

With the closure of the D Wing for the impending refurbishment, slopping out has ceased in the prison and all prisoners in Mountjoy Prison now have access to in-cell sanitation.

48. **St Patrick's Institution:** On the 3 July 2013 Minister Shatter announced the complete closure of St Patrick's Institution following the publication of the Inspector of Prisons report. Since May 2012, all 16 year old boys have been detained in the Children Detention Facilities in Oberstown

In December 2013, all sentenced 17 year olds were transferred from St Patrick's Institution to a dedicated unit in Wheatfield on an interim basis pending the opening of the new facilities in Oberstown. To facilitate this transfer, Wheatfield was re-designated as a Place of Detention. The transfer of the 18-21 year old cohort to a separate dedicated unit was completed in early February 2014. 17 year old remand prisoners continue to be held in St. Patrick's until the new facilities in Oberstown are completed in the 3<sup>rd</sup> quarter of 2014.

49. **Midlands Prison:** Construction of a new accommodation block in the Midlands Prison, to provide an additional 300 prison places, commenced in 2011. The new wing became operational in late 2012. The opening of the new block allowed the Irish Prison Service to reduce the numbers in custody in Mountjoy, Cork and Limerick prisons thus significantly reducing overcrowding in those prisons.

50. **Dochas Cente:** The Dochas Centre, which is a women's prison, acquired 20 new prison places as a result of the conversion of administrative building within the prison. The work commenced in late 2010 and was completed in September 2012.

51. **Thornton Hall Prison Project Review Committee:** On 26 July 2011, the Government approved in principle the recommendations contained in the Report of the Thornton Hall Prison Review Group (published on 28 July 2011). However, the reduced capital envelope available to the Justice Sector in 2012 and 2013 did not allow the Prison Service to proceed with the construction of Thornton Hall or Kilworth Prisons.

The proposal for the construction of a prison at Thornton Hall was not advanced beyond the planning stage due to the overall potential costs involved. In addition, the appropriateness of a project of this scale having regard to the overall requirements of the prison service was also taken into consideration. The

provision of in cell sanitation to all prisoners is being tackled on a prison by prison basis and work is well advanced in this area.

**52. Visits to Prisons by the Minister:** Since taking office the Minister has visited the following prisons:

- 1) Mountjoy Prison
- 2) St Patrick's Institution
- 3) Dóchas Centre
- 4) Cork Prison
- 5) Portlaoise Prison
- 6) Midlands Prison
- 7) Limerick Prison
- 8) Wheatfield Prison
- 9) Cloverhill Prison
- 10) Arbour Hill Prison

The Minister intends making further prison visits during 2014.

### **53. Prison Reform**

**Penal Policy Review Group:** An all encompassing strategic review of penal policy is underway which is examining all aspects of penal policy including prevention, sentencing policies, alternatives to custody, accommodation and regimes, support for reintegration and rehabilitation and the issue of female offenders. The Group is due to report in the coming months.

**Prison Deaths:** Following consultation with the Inspector of Prisons, Minister Shatter announced on the 19 April 2012 that the death of any prisoner in the custody of the Irish Prison Service shall be the subject of an independent investigation by the Inspector of Prisons. There can be no questions unanswered when a person in State custody dies. This investigation is in addition and without prejudice to existing mechanisms in place for the investigation of deaths including Garda investigations and inquests by Coroners. To date, Minister Shatter has published 16 Reports.

**Increased oversight for Inspector of Prisons:** The Government has approved the drafting of a General Scheme of an Inspection of Places of Detention Bill, which will include provisions to make Visiting Committees more effective, while they continue their role of visiting prisons, meeting with prisoners, and liaising on their behalf with prison authorities.

A link will be established between the Visiting Committees and the Inspector of Prisons. As part of these plans, it is intended to expand the role of the Inspector of Prisons. Under the proposed new arrangements, it is intended that Visiting Committees will report regularly to the Inspector of Prisons.

Subject to competing legislative priorities, it is expected that the General Scheme will be published later this year. When work on preparation of the General Scheme has been completed, the Minister will be seeking Government approval for its publication to facilitate a consultation process in advance of drafting and publication of the Bill.

**New Prisoner Complaints Procedure:** A new prisoner complaints procedure was introduced with effect from the 1 November 2012. All complaints made by prisoners alleging serious ill treatment, use of excessive force, serious intimidation/discrimination or threats by a member of staff of the Irish Prison Service, are now investigated by a team of independent investigators.

**Community Return Programme:** Community Return is an initiative whereby carefully selected prisoners can be granted reviewable temporary release coupled with a requirement to do community service work such as painting, gardening or graffiti removal in a supervised group setting. The type of work involved is intended to assist the community and the scheme is involved with a large number of charitable organisations and local community groups.

The scheme, introduced on a pilot basis in October 2011, is applicable to suitably assessed prisoners who are serving sentences of more than one and less than eight years. Those participating are granted renewable temporary release having served at, or after, the 50% stage of their sentence with a condition of their release to undertake supervised community service.

The scheme was rolled out on a national basis in 2012. There have, to date, been 847 participants on the scheme with 125 offenders currently engaged in community service work. Over 611 offenders have already completed the programme successfully with a small percentage of prisoners returned to custody for non-compliance. The reports to date from the Community Site Supervisors have been very positive and many of the participants have been commended for their work ethic, punctuality and commitment. Initial feedback from the participants has also been positive with many commenting on the supports and structure that it gives them on their release and how it has assisted in their transition back into the community.

**Incentivised Regimes Scheme:** The Incentivised Regimes Scheme which was introduced in all prisons during 2012 provides for a differentiation of privileges between prisoners according to their level of engagement with services and quality of behaviour. It is mandatory for each prison and for all prisoners. The objective is to provide tangible incentives to prisoners to participate in structured activities and to reinforce incentives for good behaviour, leading to a safer and more secure environment.

Progression to the enhanced level will depend on meeting the criteria for that level, notably by exemplary behaviour and satisfactory engagement in structured

activities, and, for those offenders eligible, participation in Integrated Sentence Management (ISM).

The Irish Prison Service has also introduced a revised prison gratuity system in all prisons. Three different levels (basic, standard and enhanced) of daily gratuity have been introduced, with the rates being paid dependent on behaviour and level of engagement in structured activities and sentence plans. All prisoners enter on the standard rate of €1.70 per day and, depending on their level of engagement and behaviour, they may be eligible for the enhanced rate of €2.20 per day. Prisoners who misbehave can be reduced to a daily rate of 95 cent. Prisoners may also have their own money in their accounts.

**Prison Governance Structures:** On 18 June 2012, Minister Shatter announced the appointment of three Prison Service Campus Governors, Governor Edward Whelan, Governor Colm Barclay and Governor Martin Mullen as Campus Governors of the Mountjoy Campus, the West Dublin Campus and the Portlaoise Campus respectively. These appointments facilitate the development of the new Campus structures in the prisons, whereby eight separate prison management structures will be combined into three consolidated Campus management structures. The implementation of new Campus Governance management structures, in addition to generating substantial savings at senior management levels, will also greatly facilitate the further development of shared services on each Campus.

**Abolition of Prisons Authority (Interim) Board:** On 26 July 2011, the Government decided to abolish the redundant Prisons Authority (Interim) Board, which was set up in 1998. The Board, which had a membership of 12 people, was set up by a previous administration to advise on and guide the management of the prison system pending the creation of an independent statutory Prisons Board. No statutory Board was ever established. The Government's policy is to abolish agency boards where appropriate and to make agency managers directly accountable to Ministers. The Government's decision to abolish the Board has resulted in a direct saving of over €100,000 a year.

**Interdepartmental Group on Mental Illness:** On 5 March 2012, Minister Shatter and Minister Lynch announced the establishment of an Interdepartmental Group to examine the issue of people with mental illness coming into contact with the criminal justice system. This is in line with the recommendation of the Thornton Hall Project Review Group. The Interdepartmental Group includes representatives from the Department of Justice and Equality and the Department of Health as well as relevant services including the HSE, the National Forensic Mental Health Service, the Garda Síochána and the Irish Prison Service and is jointly chaired by both Departments. The work of the Group is ongoing.

**Irish Prison Service Three Year Strategic Plan 2012 – 2015:** Minister Shatter launched the Irish Prison Service Strategic Plan 2012 – 2015 on 30 April 2012. The Strategy contains a new mission statement and vision for the Irish Prison Service - a mission to "provide safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities" and a vision for the Service of "a safer community through excellence in a prison service built on respect for human dignity". The Strategy also includes a 40 month capital plan to provide in-cell sanitation in all cells and radically improve prison conditions.

The Strategy sets out the overall high level objectives the Irish Prison Service intends to take during the period 2012 to 2015 and contains six strategic actions including: Prison Numbers; Prisoner Progression; Prisoner Programmes; Management and Staffing; Prison Estate; Consolidation of Prison Legislation. Also included in the Strategy is a commitment to implement specific strategies including:

- Strategy for the management of Young offenders and Female Offenders;
- Strategy to Address Mental Illness;
- Strategy for Reducing Re-offending by Sex Offenders;
- Strategy for the Management of Prisoners Requiring Protection
- Strategy for the Management of Older Persons
- Strategy for Reducing Re-offending by Violent Offenders

**Joint Irish Prison Service & Probation Service Strategic Plan 2013 – 2015:**

Minister Shatter published the Joint Irish Prison Service & Probation Service Strategic Plan 2013 – 2015 on the 8 May 2013. The purpose of the Strategic Plan is to protect public safety by ensuring better co-ordination between the Prison Service and the Probation Service in implementing policies to reduce reoffending. Proactive sentence management and the provision of prisoner resettlement programmes are designed to help prisoners reduce their risk of reoffending and make a positive contribution to their communities. The Joint Strategy sets out how the two organisations will continue to develop and co-ordinate their activities, to further improve outcomes and to help create a safer and fairer Ireland.

**Joint Probation Service - Irish Prison Service Women's Strategy 2014 –**

**2016:** On 6 March 2014, Minister Shatter published the Women's Strategy entitled "*An Effective Response to Women Who Offend*". The Strategy sets out how the Irish Prison Service and the Probation Service will work together, as well as with other statutory, community and voluntary sector partners, to provide women-focused interventions to reduce offending, improve reintegration and outcomes more generally.

**Youth Justice Action Plan 2014 – 2018:** Minister Fitzgerald and Minister Shatter welcomed the publication of the Youth Justice Action Plan 2014-2018 on the 3 February 2014. The focus for the Action Plan is to continue the downward trends in high volume crime and reduce the necessity for detention. Since the first National Youth Justice Strategy commenced in 2008, the number

of children sentenced to detention by the Courts on criminal conviction has consistently dropped; the operational costs of detention have reduced by over 30%; the capital costs and space required in the new national detention facilities being built at Oberstown are approximately 50% of what was estimated in 2008 and youth crime has fallen.

## **An Garda Síochána**

54. **Funding to An Garda Síochána:** Minister Shatter secured current expenditure funding over the three year period, 2012-2014, to ensure that An Garda Síochána could continue to deliver an effective policing service. In summary, for the Justice Sector in 2012, Minister Shatter secured €2.243 billion which was an additional €118 million over and above the Fianna Fáil allocation of €2.125 billion. For 2013 he secured funding of €2.163 billion which was €154 million over and above the Fianna Fáil allocation of €2.009 billion, and for 2014, he secured funding of €2.120 billion which was €160 million over and above the original Fianna Fáil allocation of €1.96 billion. With the Fianna Fail National Recovery Plan the Garda Commissioner and An Garda Síochána would have stood with an average of €90 million less each year for 2012, 2013, and 2014. The gross Garda budget for 2014 is in excess of €1.34 billion. **Link to National Recovery Plan 2011 – 2014:**  
<http://www.budget.gov.ie/The%20National%20Recovery%20Plan%202011-2014.pdf>
55. **New Garda Recruitment Campaign:** Despite the moratorium on public sector recruitment, Minister Shatter succeeded in opening up recruitment to An Garda Síochána during 2014. The last recruits entered the Garda College in Templemore in May 2009, after which the moratorium on public sector/service recruitment was put in place by the previous government. As a result of the recruitment campaign agreed by Government, targeted objective Garda strength can now be maintained at 13,000 with new recruits entering the Garda College in Templemore in mid-2014. The training period for these recruits will be shorter and more effective than previously and they will be attested as members of the Force at an earlier stage.
56. **Investment in Garda Vehicles:** Mobility and flexibility are key elements in the capacity of the Garda Síochána to combat shifting patterns of crime. Central to this is the maintenance of an adequate transport fleet. It is clear that there are continuing pressures on the fleet, especially with strict safety rules requiring the disposal of high-mileage Garda vehicles. In October 2013, Minister Shatter secured a further €9m for the purchase of new vehicles for the Garda fleet. This brings to €18m the total amount spent on the Garda fleet in the three years 2012 to 2014. This compares to a total of less than €5m spent by Fianna Fail in the previous three years 2009 to 2011, and represents an increase of 260%.

57. **Closure of Garda Stations to free-up Gardaí for frontline policing:** The consolidation of the Garda Station network commenced in 2012, in implementation of the Garda Síochána Policing Plan 2012, with the closure of 39 Garda Stations (8 of which had not opened for some time). A further 100 Garda Stations were included in a list for closure in the Policing Plan 2013. The purpose of the closures was to maximise the number of Gardaí engaging in frontline policing in our communities – investigating, detecting and preventing crime. Combined, the closures have resulted in an extra 61,000 patrol hours being available annually.

58. **Garda Promotions:** In February 2012, 33 new appointments were announced, including 2 Assistant Commissioners, 8 Chief Superintendents and 23 Superintendents. The consequential vacancies at Sergeant and Inspector level were also filled and there are panels in place to fill future vacancies. This resulted in 66 new appointments in those ranks.

In July 2012, Minister Shatter announced the appointment by the Government of 1 Assistant Commissioner, 4 Chief Superintendents and 13 Superintendents in An Garda Síochána. Vacancies in other senior management positions, including the post of Chief Administrative Officer, were also filled.

On the 30 April 2013, Minister Shatter announced the appointment by the Government of 4 Chief Superintendents and 14 Superintendents in An Garda Síochána. They are in addition to the promotion of Gardaí and Sergeants to 82 Sergeant and 34 Inspector positions that were made by the Commissioner on 28th March 2013.

59. **Garda Rostering:** A new Garda Roster and Working Time Agreement was developed, agreed and implemented by An Garda Síochána. The new arrangements, which include overlapping shift patterns, result in more Gardaí being on duty during periods of greater policing demand and fewer at quieter times.

60. **Garda Vetting:** Minister Shatter obtained sanction for the redeployment of additional staff to the Garda Central Vetting Unit. There are now 174 whole-time equivalent staff (170 civilians and 4 members of An Garda Síochána) assigned to the Garda Central Vetting Unit (GCVU). To put this in perspective, this represents an 87% increase on the staffing level at the end of December 2012 when 93 staff were assigned to the GCVU. The current average processing time for applications is now approximately 6 weeks from date of receipt. Processing times fluctuate upwards and downwards depending on seasonal demands and volumes received, and depending on whether further enquiries have to be conducted with external Garda Stations or other agencies. However, this is a considerable improvement on July last year when processing times had reached 14 weeks.

61. **European Gay Police Association Conference:** Minister Shatter delivered the Opening Address at the 6<sup>th</sup> European Gay Police Association Conference in Dublin on the 28 June 2012.

62. Minister Shatter presided over **Graduation Ceremonies** of members of An Garda Síochána and of the Garda Reserve in Templemore.

## **Garda Oversight & Accountability**

63. **Independent Policy Authority:** On the 25 March 2014, the Government reiterated its commitment to the reform of Garda oversight and accountability. This will include the establishment of an independent Garda authority appropriate to Ireland's needs and which will maintain appropriate democratic accountability to the Oireachtas. A comprehensive review of the Garda Síochána has very recently commenced under the Haddington Road agreement. This will independently examine all aspects of the force including remuneration, terms and conditions, industrial relations and the structure, organisation and management of the force. The Government will bring forward the full detail of its comprehensive reform proposals in the coming months. This will be done following the completion of the current inquiries by Judge Cooke and Mr Guerin and the forthcoming hearings by the Oireachtas Committee on Justice, Defence and Equality.

64. **Recruitment of Garda Commissioner:** The Government has announced that the next permanent appointment to the post of Garda Commissioner will be by way of an open competition, another historic development, and another reform rejected by Fianna Fail, even though it was recommended by an expert group appointed to make recommendations on Garda reform.

65. **Strengthening GSOC:** On the 27 January 2014, Minister Shatter stated that the legislation governing the operation of GSOC does not allow it to investigate complaints made directly to it by members of An Garda Síochána, and that he believed that this general prohibition has adversely affected the ability to address circumstances of the kind which have arisen in relation to penalty points. The Cabinet has agreed in principle that an appropriate amendment to the Protected Disclosures Bill 2013 should be prepared to enable the Garda Síochána Ombudsman Commission to be prescribed under that Bill as a body to which disclosures may be made by members of the Garda Síochána. In advance of this legislative being enacted, interim arrangements have been made to fill the Post of Confidential Recipient by the appointment of retired judge Mr Patrick McMahon.

66. **Smithwick Tribunal of Inquiry Report:** On the 3 December 2013, Minister Shatter welcomed the publication of the final report of the Smithwick Tribunal.

The Smithwick Tribunal was set up in 2005 to investigate suggestions of collusion by members of An Garda Síochána or other State employees in the murders by the Provisional IRA in 1989 of two RUC officers, Chief Superintendent Harry Breen and Superintendent Bob Buchanan. The establishment of the Tribunal was the full honouring of the commitment which the Irish Government gave at Weston Park in relation to the establishment of inquiries. Judge Smithwick was unable to find direct evidence of collusion in the killings. However, he concluded, on the balance of probabilities, that collusion did occur involving an unidentified member or members of An Garda Síochána. Recommendations in relation to enhanced security cooperation are being pursued by the Minister, the Northern Ireland Justice Minister, David Ford, the Garda Commissioner and Chief Constable of the Police Service of Northern Ireland.

67. **Fr Niall Molloy:** On the 19 December 2013, Minister Shatter announced his intention to appoint Mr. Dominic McGinn, SC to conduct independent examination of Garda report in relation to the death of Fr. Niall Molloy. Further details are available here: <http://www.justice.ie/en/JELR/Pages/PR13000439>

68. **Children's Ombudsman Inquiry under s42 of the Garda Síochána Act 2005:** Minister Shatter appointed the Ombudsman for Children, Emily Logan, in accordance with section 42 of the Garda Síochána Act 2005 to conduct an inquiry into the events surrounding two children from two different Roma families being taken temporarily into care. Appointing the Ombudsman for Children under section 42 will ensure that she has available to her the statutory basis which will enable her to proceed as she deems appropriate and is in a legal position to access all information that she may require from An Garda Síochána. She is already vested with all legal powers required in respect of any engagement she may undertake arising out of these matters with the HSE.

### **Fixed Charge Processing System**

69. **Garda Inspectorate Report on the Fixed Charge Processing System:** Minister Shatter referred the O'Mahoney Report and the Garda Professional Standards Unit Report to the Garda Inspectorate to conduct a comprehensive examination of the fixed charge processing system to enable it to make all necessary recommendations to ensure its proper administration. On 14 March 2014, Minister Shatter published the report of the Garda Síochána Inspectorate. The report by the Garda Inspectorate, looked organisationally at the Fixed Charge Processing System (FCPS) as a whole rather than at individual allegations, and found that the system has significant deficiencies which need to be corrected. In short, it found that there are technical, administrative and management problems which have built up over the years, and that the system needs to be overhauled through a co-ordinated process involving all the stakeholders. The report is critical of the management of the FCPS, finding consistent and widespread breaches of policy by those charged with

administering the FCPS, with no meaningful evidence of consistent quality management supervision of the cancellation process and is critical of decisions made. The Minister brought the Garda Inspectorate Report to Cabinet on 14 March 2014:

- All 37 recommendations it contains were agreed by Government
- An Action Plan has been agreed with the Gardaí for the implementation of the recommendations
- The Criminal Justice Working Group, recommended in the Inspectorate Report, held its first meeting on Thursday, 13 March 2014

## Courts

70. **Family Court Structure:** The Programme for Government commits to the establishment of a distinct, separate and integrated system of family courts aimed at streamlining family law court processes, making them more efficient and less costly and encouraging the use of alternative dispute resolution, where possible, to resolve issues of family conflict. The Department of Justice is currently developing proposals for a Family Court which utilises our existing court structure whilst ending the current jurisdictional fragmentation and providing for a unified and comprehensive approach.
71. **Judicial Appointments:** On the 6 December 2013, Minister Shatter announced a consultations process on the system of judicial appointments. Judges are appointed to office by the President on the advice of the Government. The current process for the appointment of judges in Ireland is set out in the Courts and Court Officers Act 1995, sections 12 to 17, which established the Judicial Appointments Advisory Board (JAAB). While the JAAB process was a model of best practice in its day, Minister Shatter has stated that it would be worthwhile to review the operation of the judicial appointments system to ensure it reflects current best practice, that it is open, transparent and accountable and that it promotes diversity. 25 submissions were received by the Department of Justice and these are currently being considered.

## Charities Regulation

72. **Charities Regulatory Authority:** In July 2013 the Government approved plans by Minister Shatter to proceed with the establishment of an independent Charities Regulatory Authority, under the terms of the 2009 Charities Act. The new Authority will come into operation in 2014 and will provide a much needed increase in transparency and accountability in the charitable sector.

On 1 March 2014, Minister Shatter designated Ms. Úna Ní Dhubhghaill as the Chief Executive of the new Charities Regulatory Authority. In addition to the

Chief Executive, an initial staff of ten is to be assigned to the Authority from within the existing staff of the Department of Justice and Equality.

On the 24 January 2014, Minister Shatter sought expressions of interest from suitably qualified and experienced persons for consideration for appointment to the Board of the Charities Regulatory Authority. The Minister intends to appoint a Chairperson and Board by the end of April 2014.

The new Charities Regulatory Authority will:

- increase public trust and confidence in the management and administration of charitable trusts and charitable organisations;
- promote compliance by charity trustees with their duties in the control and management of charitable trusts and charitable organisations;
- promote the effective use of the property of charitable trusts or charitable organisations
- ensure the accountability of charitable organisations to donors and beneficiaries of charitable gifts, and the public
- promote understanding of the requirement that charitable purposes confer a public benefit;
- establish and maintain a register of charitable organisations;
- ensure and monitor compliance by charitable organisations with this Act;
- carry out investigations in accordance with this Act;
- encourage and facilitate the better administration and management of charitable organisations by the provision of information or advice, including in particular by way of issuing (or, as it considers appropriate, approving) guidelines, codes of conduct, and model constitutional documents;
- carry on such activities or publish such information (including statistical information) concerning charitable organisations and trusts as it considers appropriate
- provide information (including statistical information) or advice, or make proposals, to the Minister on matters relating to the functions of the Authority

## **Magdalen Laundries**

73. **Restorative Justice Scheme:** Just three months after taking office Minister Shatter, together with Minister Lynch, sought and received, in June 2011, Government approval to establish an interdepartmental group, chaired by (then) Senator Martin McAleese to establish the facts, insofar as was possible, relating to the Laundries.

Dr McAleese's comprehensive report was published in February 2013 and was followed by an apology by An Taoiseach, Enda Kenny to the Magdalen women on behalf of the State.

Mr Justice John Quirke was asked by Government to make recommendations on an ex-gratia Scheme to be established to meet the needs of the women

concerned. He reported in May 2013 and all of his recommendations were accepted by Government in June. A team of civil servants was tasked with devising the most practical and expeditious methods of implementing the recommendations and reported to Government in October 2013.

To date, 9 out of Judge Quirke's 12 recommendations have been or are presently being implemented; 2 require legislation which is currently under preparation. The remaining recommendation (No.6) relates to longer term issues which will be addressed on completion of the processing of applications to the Scheme (the full Quirke report is available on [www.justice.ie](http://www.justice.ie)).

Among his recommendations, Judge Quirke set out a schedule of payments to be made to the women concerned and, to date, 684 applications have been received and 300 letters of formal offer and a further 32 provisional assessments have been issued; 206 women have accepted the formal offer; and payments totalling over €5.6 million have so far been made.

There is a team of 9 people in the Department of Justice whose sole task is to help the women with their applications and answer their queries.

A grant of €250,000 has been made to the UK based Women Survivors Support Network to provide advice and support to those resident there. A recent letter received from Sally Mulready, who has worked for many years with Magdalen women in the UK, states "We are having an excellent response from the women themselves who appreciate very much that this is a generous settlement and the work to bring their claims to fruition is fast and efficient."

This Government, unlike its predecessors, responded in a prompt, considered and practical way to the issue of the Magdalen Laundries. Had the Government acceded, in 2011, to the demands of various groups who called for a statutory inquiry into the Magdalen Laundries, it is likely the initial report would still be awaited.

## **Missing Persons Day**

74. **Missing Persons Day:** On 4 December 2013, Ireland held its inaugural national Missing Persons Day, with a commemorative ceremony taking place at Farmleigh House, Dublin. Missing Persons Day complements the existing International Missing Children's Day and has a number of objectives. It commemorates those who have gone missing and recognise the lasting trauma for their families and friends. It draws attention to open or unsolved missing persons cases, and it creates an opportunity to provide information on the support services which are available. The inaugural Irish Missing Persons Day ceremony was attended by the families and friends of missing persons, as well as the many organisations working in the community on their behalf. It incorporated musical and personal tributes and reflections, followed by a tree planting ceremony in the grounds of Farmleigh House. The event was attended by the second level students of Davis College, Mallow, Co. Cork, who

organised a campaign to raise awareness of missing persons issues and to call for a national Missing Persons Day.

## **Citizenship and Immigration & Humanitarian Assistance**

75. **Progress on clearing of backlog of applications for citizenship and new Citizenship Ceremony:** When Minister Shatter took office in March 2011 there was a backlog of approximately 22,000 citizenship applications awaiting decision, many of which had been awaiting decision for in excess of 3 years. In 2011, Minister Shatter put in place improved systems for more efficient processing of citizenship applications and arranged for more user friendly application forms that are available online along with a residency checker that enables prospective applicants to verify if they satisfy the residency conditions for naturalisation. Since March 2011 Minister Shatter has determined over 78,000 citizenship applications, compared to under 28,000 in the period 2008 to 2010. In addition, the Minister devised and presided over the first formal citizenship ceremony ever held in this State on 24 June 2011. Citizenship ceremonies have been universally well received by participants as the ceremonies provide a sense of dignity and occasion that serves to underscore the importance to both the State and the applicant of the granting of Irish citizenship. Up to 31 March 2014 a total of 89 ceremonies have taken place and citizenship ceremonies will continue to be scheduled into the future.

76. In March 2014, Minister Shatter put in place **the Syrian Humanitarian Admission Programme (SHAP)** to assist vulnerable persons suffering in Syria and surrounding countries. SHAP offers temporary Irish residence to vulnerable persons present in Syria, or who have fled from Syria to surrounding countries since the outbreak of the conflict in March 2011, who have close family members residing in the State. Further details on SHAP are available on [www.inis.ie](http://www.inis.ie)

It is estimated that in excess of 130,000 people have to date been killed in the Syrian Civil War. Over 2 million refugees are presently in Turkey, Jordan, Lebanon and Egypt and according to EUROSTAT figures there have been approximately 80,000 Syrian applications for asylum in the EU between March 2011 and the end of 2013. It is also estimated up to 6.5 million are displaced within Syria. Major difficulties have been experienced by the UN in the provision of food and medical aid to civilian communities under siege and all sides in the Syrian civil war are accused of committing atrocities and war crimes.

77. **New Policy Guidelines on Family Reunification:** On the 31 December 2013, Minister Shatter published new immigration policy guidelines for dealing with family reunification applications in the Immigration system. The guidelines are intended to provide for greater transparency in the immigration decision making process and also to set out in detail the reasoning behind the policies. More

comprehensive and transparent guidelines are necessary to assist applicants and decision makers in this area. It is important that those contemplating applying to come to Ireland for the purposes of family reunification do so under clearly stated guidelines.

78. **Streamlined Immigration Procedures:** In April 2012, Minister Shatter renewed streamlined immigration procedures, originally introduced in 2011, to apply to passenger and crew of cruise liners for the 2012 season. These arrangements facilitate the easy embarkation of visitors on cruise ships at ports of entry to the State. While immigration controls are a necessary feature of worldwide travel, this initiative shows that the immigration system can also be used to facilitate economic activity such as tourism and thereby help to create and safeguard jobs. It is expected that similar procedures will be continued for the 2013 season.
79. **Civilian Staff Dublin Airport:** Ever since immigration checks have been put in place (1930's) this role had been discharged exclusively by the Garda Síochána. Following a successful pilot project in 2012 which saw civilian staff delivering immigration services at Dublin airport, plans are underway for its full-scale extension which will ultimately release a significant number of Gardaí to frontline policing duties.
80. **Automated Border Control Gates:** The Irish Naturalisation and Immigration Service (INIS) started six month trials of automated border control gates (e-gates) at Terminal One, Dublin Airport in May 2013. This is the first time that e-gates have been used in Ireland for immigration purposes. The operation of these gates will mean that certain passport holders (Irish, EU, EEA and Swiss passengers over 18 years of age) will not be required to present themselves to an Immigration Officer; instead they will have the picture on their passport verified electronically. This is to ensure that the person using the passport is the person to whom it was issued.
81. **Zambrano Judgement:** The European Union Court of Justice Zambrano Judgement (March 2011) prevents an EU Member State refusing a parent who has minor dependent children, who are EU citizens, the right to reside in the Member State of residence and nationality of those children. At the direction of the Minister, Departmental officials examined all cases before the courts (140 involving 134 applicants) involving Irish citizen dependent children to which the Zambrano judgement was relevant. The vast majority of these persons have now had their Deportation Order revoked and/or been granted permission to remain in the State. The relevance of Zambrano to others seeking to remain in the State is also under examination and, in the best interests of Irish citizen children, over 1,000 persons have to date been granted Irish residency rights.

## **Civil Partnership and Marriage Equality**

82. **Recognition of Foreign Civil Partnerships and Gay Marriages: Minister Shatter has made Orders** under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, detailing 45 countries/states in respect of whom registered relationships are entitled to be treated as equivalent to civil partnership under Irish law.
83. **Referendum on Marriage Equality:** On the 5 November 2013, the Government agreed to the holding of a referendum on marriage equality during the first half of 2015. The Department of Justice will be engaged over the next 12 months with the Attorney General on the framing of the specific amendment to the Constitution and on the drafting of the Bill required for the referendum on this important matter.

## **Gender Equality**

84. **Gender Equality:** This Government has always sought to ensure a better gender balance when it comes to government appointments. For the first time in the history of the State, the two most senior legal positions in the State are held by women; the Chief Justice and the Attorney General. The first female Director of Public Prosecutions was appointed in November 2011. Also, a number of females have been appointed to the Supreme Court. A commitment was included in the Programme for Government to achieve by 2016 a target of 40% representation on State Boards.

## **Supporting Job Creation**

85. **Immigrant Investor Programme and Start-up Entrepreneur Programme:** In January 2012, Minister Shatter secured Government approval for two new programmes: the Immigrant investor Programme and the Start-up Entrepreneur Programme which are aimed at stimulating investment and job creation in Ireland. Forty one applications have been approved since both programmes became operational in April 2012, representing a total investment in Ireland of over €26 million. This investment is projected to contribute to the creation or preservation of over 400 jobs in new and existing enterprises over the next three to five years underlying the job creation potential of these programmes.

Minister Shatter has kept the Immigration Investor and Start-Up Entrepreneur Programmes under ongoing review to establish whether important changes could be made to the Programmes to make the more attractive to potential investors. The main changes announced are available at the following links:

<http://www.justice.ie/en/JELR/Pages/PR13000275>

86. Ireland's first formal **Visa Waiver Programme**, designed and launched by Minister Shatter, to assist in the promotion of Ireland as a quality business and leisure destination has been extended to October 2016 and the number of countries covered has been increased to seventeen. Since it was introduced the number of visits to Ireland by persons from the eighteen countries covered by the Programme was 68% higher than in 2010, the last full year before the introduction of the Programme.

The Irish Naturalisation and Immigration Service (INIS) is continuing to work closely with UK counterparts towards the implementation of a **common visa for short stay visitors**. It is anticipated that such a visa will prove an attractive option for tourists and business visitors, particularly in the context of the island of Ireland by facilitating visitors to travel freely throughout the island of Ireland without the need for a separate Irish and UK visa.

In addition, the roll-out of a **multi-entry visa regime for business travellers** is ongoing, which allows for the granting of multi-entry visas of up to three-years duration. This was implemented in the Gulf region in 2011, in Russia and China in 2012, and it is proposed to extend the regime to India in 2013.

To contribute to the success of **The Gathering**, an initiative has been put in place to encourage and assist visitors from countries who require a visa to travel to Ireland. People attending approved events taking place under the auspices of The Gathering will be able to make visa applications free of charge, and will be processed on a priority basis.

### **Guidance Documents:**

87. **Surrogacy Guidelines:** On 21 February 2012, Minister Shatter published a Guidance Document on citizenship, parentage, guardianship and travel document issues in relation to children born as a result of surrogacy arrangements entered into outside the State. The Guidance Document provides information to people who intend to enter surrogacy arrangements outside the State on the practical and legal considerations arising under Irish law where the commissioning parents intend to bring the child to live with them in the State. (See also Family Relationships and Children Bill)
88. **Upward Only Rent Reviews:** As reported in 2012, legislative intervention in the area of upward-only rent reviews was not possible due to constitutional difficulties. However, arrangements were made to ensure NAMA proactively works to facilitate rent easement in cases where it has acquired the loan on a commercial property, where a tenant demonstrates that the rent payable under a lease is in excess of current market levels and that the viability of a business is threatened as a consequence.

89. **Report of the Expert Group on Repossessions:** Minister Shatter published the Report of the Expert Group on Repossessions on the 14 January 2014. The Expert Group was established in September 2013 in response to a commitment to the Troika contained in the 9th review of the Memorandum of Economic and Financial Policies (MEFP) to examine the repossession system, identify any shortcomings and make recommendations before the end of 2013. Having examined the functioning of the repossession system, including the manner in which applications for possession orders are initiated and processed in the courts system, the Expert Group does not recommend any legislative reforms. It has concluded however that significant efficiencies could be achieved through more effective case management by lenders, more harmonised documentation standards and a more structured framework for borrowers in repossession proceedings. These conclusions have been brought to the attention of the lending institutions and the Court Rules Committees which determine the practices and procedures applicable to proceedings coming before the courts.

## **Northern Ireland**

90. **North-South Meetings:** Minister Shatter has developed a very good working relationship with the Northern Ireland Minister of Justice, David Ford, and they meet very regularly to address issues of common interest in relation to justice, security and policing in the two jurisdictions. He also meets regularly with the Northern Ireland Secretary of State, formerly Owen Paterson MP and, more recently, Theresa Villiers MP.

Minister Shatter and Minister Ford have jointly attended a number of important conferences, including the 2011, 2012 and 2013 Joint Probation Services' Seminars in Antrim and in Dublin, the European Network of Forensic Science Institutes' Annual Conference held in Dublin in May 2012, the annual Cross Border Public Protection Seminar and the first All-Ireland Restorative Justice Conference in Dundalk in November 2013. Minister Shatter has also attended the annual North-South Organised Crime Seminar on two occasions with Minister Ford and senior members of the police and other law enforcement services on the island. These are very important examples of the close North-South co-operation in criminal justice matters that has been developed and that contributes immeasurably to improving community safety on the island of Ireland.

91. **Signing of Memorandum of Understanding to support cooperation between forensic science agencies on the island of Ireland:** Minister Shatter obtained Cabinet approval for Memorandum of Understanding for support and cooperation between this State's Forensic Science Laboratory and the Northern Ireland Forensic Science Laboratory which Memorandum was signed and implemented by Minister Shatter and Minister David Ford in Armagh on the 8 June 2011.

92. **Meeting with relatives of the disappeared:** On the 25 November 2011 Minister Shatter, together with Minister of State Hugo Swire of the Northern Ireland Office met with the Independent Commission for the Location of Victims' Remains and with members of the families of those who disappeared during the troubles, including those whose family members' remains have been located by the Commission and those whose remains have not been discovered. He assured them of the two Governments continuing support for the Independent Commission for the Location of Victims' Remains and for doing whatever is possible to locate the remains of loved ones and further initiatives that could be taken to seek crucial outstanding information from those may know the whereabouts of remains.
93. **Omagh Support and Self-help Group:** On 19 July 2012 Minister Shatter met with representatives of the Omagh Support and Self-help Group and received from them a copy of a report they have on events relating to the Omagh bombing on 15 August 1998. The Minister advised the Omagh group that he would consider the report fully. The Minister also indicated to the Group that he will also forward the report to the Garda Commissioner for his consideration.

### **Capital Spending / Savings**

94. **Capital Investment:** On 17 July 2012 the Government announced an additional €2.25 billion domestic infrastructure stimulus to create much needed jobs. Of this, a total of €190 million is allocated to a range of Justice Sector projects, particularly in the Garda and courts areas. These projects will include new Garda Divisional Headquarters for the Dublin South Central, Galway and Wexford Divisions as well as court refurbishment developments in Cork, Mullingar and Waterford as well as new courts buildings in Drogheda, Letterkenny, Limerick and Wexford. Provision is also being made for a new facility for the Office of the State Pathologist and the Dublin Coroner.
95. **Ministerial Transport:** Revised arrangements for Ministerial transport are resulting in estimated savings of €4 million per year.
96. **Criminal Legal Aid:** Final expenditure on Criminal Legal Aid for 2012 was €50.5 million, an unprecedented 10% reduction on costs in excess of €56 million in 2011. Final expenditure in 2013 was €50.86m. These savings follow targeted reductions to the fees payable under the scheme which the Minister introduced by Regulation in the course of 2011. Ongoing cross agency work during 2012, in cooperation with the judiciary and representatives of the legal profession, to introduce more efficient work practices and procedures in the criminal justice system has also contributed to the reduction. This work to develop and implement efficiencies will continue during 2014.

97. **Civil Legal Aid:** In September 2013, Minister Shatter announced that he has signed into law a new statutory instrument in respect of civil legal aid provided by the Legal Aid Board. The new Regulations:

- 1) Increase the minimum financial contribution for legal advice from €10 to €30, and from €50 to €130 in cases of legal aid
- 2) Remove the financial contribution required from those receiving legal services in proceedings with the HSE on child care
- 3) Reduce the existing disposable capital threshold allowance for eligibility from €320,000 to €100,000

At a time when the State is facing significant demands on its resources an increase in contributions allows the Board to achieve its objectives without money being diverted from other programmes. The increased contributions should result in increased funding of up to €700,000 per annum being available to the Board once the increases have full impact.

### **Cloyne Report**

98. **Cloyne Report Publication:** On 13 July 2011, Minister Shatter and Minister Fitzgerald published the Commission of Investigation Report into the Catholic Diocese of Cloyne. In response, the Ministers brought forward a comprehensive range of measures designed to address not just the type of problem highlighted by the Commission's report on Cloyne but provide the foundation for an immeasurably strengthened system of child protection. These measures include: the Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Act; the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and revised Children First National Guidelines which, following the Government decision, will be placed on a statutory footing. Following a High Court decision, the Department of Justice and Equality published the redacted parts of the Cloyne report on 19 December 2011.

### **State Visits**

99. **State/Official Visits:** As Minister for Justice, Equality and Defence, Minister Shatter had political responsibility for the necessary security and protection arrangements put in place by An Garda Síochána and the Defence Forces and for their participation in civil ceremonies and events during the visits in 2011 to this State of HRH Queen Elizabeth II and President Barack Obama, as well as the more recent visit of First Lady, Michelle Obama and her family in 2013.

### **Presidency of the European Union:**

100. **EU Councils:** Over the last two years, Minister Shatter has attended EU Justice and Home Affairs Council Meetings and Foreign Affairs Councils with

Ministers of Defence meetings to coordinate and cooperate on crucial EU issues of common interest. On the margins of these meetings he regularly has bilateral meetings with those attending to discuss matters of mutual interest.

101. **EU Presidency:** For the duration of Ireland's Presidency of the EU from 1 January – 30 June 2013, Minister Shatter was President of the Council of Europe Justice Ministers and is the lead Defence Minister is dealing with matters relating to the European Common Security and Defence Policy and liaising with the European External Action Service. In the Justice area he has responsibility for in excess of 51 dossiers dealing with a variety of proposed European Union measures that are presently under consideration by European Union Ministers and the European Parliament.

**Meetings of EU Justice and Home Affairs Ministers and EU Defence Ministers in Dublin Castle:** Minister Shatter hosted a meeting of Justice and Home Affairs Ministers in Dublin Castle on 17 and 18 January 2013 and a meeting of the EU Defence Ministers in Dublin Castle on 12 and 13 February as part of Ireland's Presidency of the EU.

**Agenda for meeting of Justice and Home Affairs Ministers 17/18 Jan 2013**

- Migration for Growth
- Greek National Action Plan on Asylum & Migration
- Update on Situation in Syria
- Internal Security and Growth
- Missing Persons Day – presentation by Ireland
- Update from Bulgaria on terrorist attack
- European cross-border Insolvency law
- Presentation by Ireland's Head of Criminal Assets Bureau
- Data Protection – certain key issues
- Protecting EU citizens' fundamental rights; action to counter hate crime and intolerance, including racism and anti-Semitism.

**Agenda for meeting of EU Defence Ministers 12/13 Feb 2013**

- Preparing for the European Council 2013
- Mali
- Horn of Africa
- Partnerships

102. **Irish Presidency achievements in the Justice & Home Affairs Area:**

During the Irish Presidency, Minister Shatter delivered substantial progress on a range of measures in the Justice and Home Affairs areas that will have an important and lasting contribution to the creation of an area of freedom, security and justice in the European Union.

**The Irish Presidency delivered on fundamental rights by:**

1. concluding negotiations on EU accession to the European Convention on Human Rights, ensuring that Member States offer the highest standard of human rights protections to their citizens.
2. concluding negotiations with the European Parliament on the civil European Protection Order, so that victims of domestic and other forms of violence can avail of domestic legal protections, when they travel to other Member States.
3. concluding negotiations with the European Parliament on the Directive on access to a lawyer, ensuring a fair trial and minimum rights for those suspected of a crime.
4. initiating important debates on tackling racism, xenophobia, anti-Semitism and homophobia; the Council has now presented a set of suggestions to the Commission to progress these important matters.

#### **The Irish Presidency delivered on "justice for growth by"**

5. achieving a significant breakthrough on the proposed Data Protection Regulation, guaranteeing Europeans greater control of their personal data and cutting costs for businesses.
6. agreeing political guidelines on EU Insolvency rules, which are designed to protect jobs and ensure that viable businesses in financial difficulty are given a "second chance".
7. agreeing key aspects of the European Account Preservation Order, to make it easier for businesses operating across EU borders to recover debts owing to them.
8. securing a general approach on a proposal to prevent fraud in the EU, to protect the €960 billion EU budget.

#### **The Irish Presidency delivered on migration and border security by**

9. commencing operation of Schengen Information System II, which helps maintain border security by facilitating the exchange of information between police and border authorities in Member States.
10. concluding negotiations with the European Parliament on the Schengen Governance package, to create a more robust and rigorous system to oversee the implementation of the Schengen border-free travel Agreement.
11. concluding negotiations with the European Parliament on the European border surveillance system (Eurosur), to enhance internal security i.e. reducing the number of illegal migrants, tackling human trafficking, drug smuggling and so on.

12. signing readmission agreements between the EU and Cape Verde and Armenia, contributing to a comprehensive and balanced migration policy.

**Irish Presidency delivered in the fight against serious crime and terrorism by**

13. reaching agreement on the EU priorities for the fight against serious and organised crime between 2014 and 2017; priorities agreed include human trafficking, drugs and firearms, facilitating illegal immigration and cybercrime.
14. agreeing a new four year EU Action Plan on Drugs, which sets out concrete actions that will be implemented to reduce drug supply and demand.
15. securing the agreement of the Council for an update of the EU Strategy for Combating Radicalisation and Recruitment to Terrorism, to protect Europe's citizens from terrorist acts.
16. bringing together both the Justice and Defence areas at a high-level EU Cyber Security Conference in Brussels, to advance the debate on EU Member States' preparedness to face cyber threats. This was the last major event in the Justice, Home Affairs and Defence areas.

**Irish Presidency delivered on asylum and protecting refugees by**

17. chairing political discussions on the conflict in Syria, which addressed the actions that can be taken at EU level to alleviate the plight of refugees and displaced persons in the region.
18. completing the Common European Asylum System (CEAS), to ensure consistent and equitable treatment of asylum seekers irrespective of the Member State in which they present their asylum application.

103. **Meeting with US Attorney General:** Minister Shatter briefed US Attorney General on key successes of Irish Presidency in the Justice area: Minister Shatter held important discussions with US Attorney General, Eric Holder, in advance of the EU – US Meeting taking place in Dublin on the 14 and 15 June. Topics discussed included security and surveillance issues, enhancing Irish-US cooperation in combating serious crime, data protection and Ireland's EU Presidency.

104. **EU–US Ministerial meeting on Justice and Home Affairs cooperation:** On the 14 June 2013, Minister Shatter chaired an EU–US Ministerial meeting on Justice and Home Affairs cooperation in Dublin Castle. A number of important topics were discussed including enhancing EU-US cooperation in criminal matters, counter-terrorism and cybercrime. The issue of data protection, particularly in the context of reports on the PRISM surveillance programme, was also discussed at the meeting.

## **Appointments Advertised**

105. **Appointments Advertised:** Expressions of interest were sought through public advertisement and/or Department of Justice website and/or through the Public Appointments Service from suitably qualified and experienced persons for appointment to a variety of positions and bodies including:

- Ireland's representative to the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- Board of the National Disability Authority
- Ireland's representative to the European Commission Against Racism and Intolerance (ECRI)
- Garda Síochána Ombudsman Commission
- Property Services Regulatory Authority
- Taxing Master of the High Court
- Director-designate of the Insolvency Service
- Garda Síochána Ombudsman Commission
- Director General of the Irish Prison Service
- Garda Síochána Inspectorate
- Board of the National Disability Authority
- Property Services Authority
- Ombudsman for Defence
- Dublin County Sheriff

## **Representing Ireland Abroad**

106. **Representing Ireland Abroad:** Minister Shatter has represented State abroad on a number of occasions, visiting Australia, New Zealand and Mexico on the St. Patrick's Day Ministerial Promote Ireland Programme, and Lebanon, Jordan Israel in his capacity as Minister for Justice, Equality and Defence.

## **Department of Defence**

107. **Defence Forces Numbers and Promotions:** Minister Shatter secured the agreement of Government that the Permanent Defence Forces would stabilise at 9,500 on an annualised basis up to and including 2014 and would not fall below that number. This brought to an end the continuing decrease in Permanent Defence Force numbers which occurred in previous years. The strength of the Permanent Defence Forces as at 31 January 2014 stood at 9,198. Targeted recruitment will continue in 2014 within the resource envelope allocated to Defence. To that end, a new General Service recruitment competition was launched officially by the Minister on 7<sup>th</sup> March 2014. Recruitment of Cadets,

Air Corps Apprentices and Naval Service Engine Room Artificers will be progressed in 2014.

108. **Recruitment Campaign for the Defence Forces launched at the Citizenship Ceremony in Waterford:** On 7<sup>th</sup> March 2014 the Minister launched a new recruitment campaign for enlisted personnel in both the Permanent and Reserve Defence Forces. This will be the first intake of recruits to the Reserve following on the reorganisation of the Permanent and Reserve Defence Forces in line with the 'Single Force Concept' whereby Reserve Units are embedded into Permanent Defence Force Formations ensuring a single chain of command allowing scope for greater collective training and operational effectiveness. The Defence Forces plan to induct up to 400 personnel to the Permanent Defence Force (both Army and Navy) and up to 500 personnel to the Reserve Defence Force (both Army Reserve and Naval Service Reserve) in 2014. The Minister invited and encouraged all new citizens to participate in all the institutions of the State and, particularly, to consider a career in Defence Forces and in An Garda Síochána.

In May 2012 the Minister approved an increase in the **Minimum Recruitment Age for the Permanent Defence Force from 17 to 18**. As the age limit for recruitment is currently provided for under existing Defence Forces Regulations (secondary legislation), this change was implemented by means of an amendment to the relevant Defence Force Regulations. In February of 2014 the Minister approved an increase in the **Minimum Recruitment Age for the Reserve Defence Force from 17 to 18**. The relevant Defence Force Regulations have been amended and the increase in the minimum age will apply to the current competition launched on March the 7<sup>th</sup> 2014.

109. **Re-Organisation of the Defence Forces:** In December 2011 the Minister announced that the Defence Forces would move from a three brigade structure to a two brigade structure. On 17 July 2012 the Minister announced the details of the PDF reorganisation and stated that the two brigade headquarters would be based in Collins Barrack, Cork and in Cathal Brugha Barracks, Dublin. The re-organisation will enhance operational capabilities within a reduced resource envelope. The implementation of the PDF re-organisation was largely complete by the end of November 2012. Following the publication of a Value for Money Review of the Reserve Defence Force in November 2012, the Minister initiated a major re-organisation of the Reserve. This will deliver significant efficiencies and dovetail with the re-organised PDF. The number of Reserve locations being retained outside of PDF installations is being reduced to 16 and the number of full time PDF Cadre is being reduced to 57. The implementation of all the findings of the VFM will ensure a viable future for the Reserve.

110. **Barrack Closures, Increasing Efficiency and Re-Organisation:** In November 2011 Minister Shatter secured the agreement of Cabinet for the closure of four army barracks to ensure a more efficient use of resources and to increase the army numbers available for frontline services and agreement that no further barrack closures would occur during the lifetime of the Government.

Following the re-organisation of the Reserve Defence Force over 30 Reserve properties were closed throughout 2013. Thirteen of these properties have been sold to date for approximately €1.2m.

111. **White Paper on Defence:** On the 16 July 2013, following Government approval to prepare a new White Paper on Defence, the Minister published a Green Paper on Defence. This was the first Defence Green Paper in the history of the State and its publication initiated a broad public consultative process which will inform the development of the new White Paper on Defence. This process generated 122 written submissions from members of the public and other interested parties.

As part of this consultative process, a number of people who made written submissions were invited to meet with civil and military staff of the Department of Defence and the Defence Forces. The purpose of these meetings was to provide an opportunity to certain individuals/organisations to elaborate further on their submission. It also allowed the representatives of the Department of Defence and the Defence Forces to explore aspects of these submissions. This part of the White Paper process has now been completed.

Discussions have also been held with other Government Departments on cross-cutting policy issues and likely future demands from Government bodies and State agencies. These discussions will continue, as required, throughout the White Paper process. The views of international organisations have also been sought with a particular focus on likely future trends in international peace support operations.

Working Groups comprising of civil and military representatives from the Department of Defence and the Defence Forces have been established. Having regard to the inputs received from a wide variety of stakeholders, they are considering future operational demands and the defence capabilities required to meet projected future operational requirements.

This ongoing work will underpin recommendations regarding defence provision for the next decade. It is necessary to ensure the development of an effective policy framework for defence and progress has been made to date in this important work.

The new White Paper will have regard to potential challenges to our security as these may emerge into the future and it must ensure that Ireland has effective capabilities to deal with the range of defence roles required by Government. Work on the White paper is progressing well and it is anticipated that a draft will be completed and submitted to Government for consideration in the latter half of 2014.

## **Defence Forces Participation in Missions Abroad**

112. **UNDOF:** on 14 May 2013 Minister Shatter secured Government approval for the deployment of Defence Forces personnel for service at the headquarters of the United Nations Disengagement Observer Force (UNDOF) on the Golan Heights of Syria. Also, on 16 and 18 July 2013, in response to a United Nations request, the Minister secured Government and Dáil Éireann approval for the deployment of a contingent of the Permanent Defence Force for service with UNDOF. The Defence Forces completed their deployment of 115 troops to the Golan Heights in Syria in late September 2013. Members of the 44th Infantry Group left in Late March 2014 for service with the United Nations Disengagement Observer Force (UNDOF) in Syria.
113. **UNIFIL:** on 28 May 2013 Minister Shatter secured Cabinet approval for the continued provision of a contingent of the Permanent Defence Force for service with the United Nations Interim Force in Lebanon (UNIFIL) for a further period of 12 months from 30 May 2013. The transfer to Finland of command of the joint Irish/Finnish Battalion in November 2013 resulted in the downsizing of the Irish contribution to UNIFIL to some 210 personnel including the Deputy Force Commander Brigadier General Patrick Phelan. At the request of the United Nations Brigadier General Phelan had his appointment extended for a further year until April 2014.
114. **KFOR and ISAF:** on 25 June 2013 Minister Shatter secured Cabinet approval for the continued provision of up to twelve members of the Permanent Defence Force for service with the UN-authorized-NATO-led International Security Presence in Kosovo (KFOR) for a further period of twelve months beyond June 2013 and seven members of the Permanent Defence Force, for a further period from July 2013 for service with the UN-authorized NATO-led International Security Assistance Force (ISAF) in Kabul, Afghanistan, subject to ongoing review by the Minister.
115. **UNMAS:** on 02 July 2013, following a request from the United Nations, Minister Shatter secured Cabinet approval for the deployment of four (4) members of the Permanent Defence Force for service with the United Nations Mine Action Service (UNMAS) in South Sudan. The four personnel were deployed to South Sudan in August 2013.
116. **EUTM Somalia:** on 17 December 2013 Minister Shatter secured Cabinet approval for the continued deployment of contingents of the Permanent Defence Force for service with EUFOR Operation Althea in Bosnia and Herzegovina and EU Training Mission Somalia (EUTM Somalia). Ireland retained the post of Mission Commander in EUTM Somalia throughout 2013 until March 2014 when command of the mission was assumed by Italy.
117. **EUTM Mali:** on 25 February 2014 Minister Shatter secured further Government approval for the continued deployment of members of the Permanent Defence Force to the EU Training Mission in Mali (EUTM Mali) for a further period of twelve months to March 2015.
118. **EU Battlegroups:** In January 2014 Minister Shatter secured Cabinet approval to provide a contingent of the Permanent Defence Force to participate in both the Nordic Battlegroup 2015, which will be on stand-by for 6 months from

January 2015 and the Austro/German led Battlegroup 2016, which will be on standby for 6 months from July 2016. Ireland has previously participated in the Nordic Battlegroups in 2008 and 2011, and in the Austro/German led EU Battlegroup 2012.

119. **Resilient Threat Management Seminar** - Minister Shatter in association with the European Defence Agency hosted a Seminar on Resilient Threat Management and how the Improvised Explosive Devices threat will be managed in the future.

120. **Irish and Finnish Perspectives on European Security and Defence Policy:** On 8th September 2011, the Minister hosted a Seminar in Farnleigh on Irish and Finnish Perspectives on European Security and Defence Policy. The purpose of the meeting was to share perspectives on defence policy issues. This is of mutual benefit as both Ireland and Finland are neutral, militarily non-aligned countries which are members of the EU but not members of NATO. The seminar was very successful and has provided a template for similar meetings with other partners in the future. The seminar was attended by senior personnel from the Ministries of Foreign Affairs and Defence as well as senior military officers from both countries. In addition a number of Academics from both countries attended.

121. **European Defence Agency (EDA) and Associated Projects:** On 27 September 2011, Minister Shatter secured Dáil Éireann approval for Ireland's participation in two EDA projects. One of the projects relates to Chemical, Biological, Radiological and Nuclear (CBRN) Protection and the other relates to Maritime Surveillance. The two EDA projects are progressing well. The programme arrangement for the project relating to Chemical, Biological, Radiological and Nuclear (CBRN) Protection was signed in Brussels on 22 March 2012. Proposals have been selected and the first round of contracts has been awarded. The technical arrangement relating to the other project on Maritime Surveillance came into effect on 6 February 2012. The Programme Arrangement has been signed by participating Member States and the Technical Specification is currently being prepared.

At the EDA Steering Board meeting on 30 November 2011 Minister Shatter indicated that the Irish Naval Service would act as lead nation in the Naval Training Initiative. The Project Team was established in June 2013 with the objective to review and evaluate what training is currently available across the Union with a view to consolidating participating Member States' capabilities in this area and delivering value for money training for our naval mariners. This study will support the EDA initiative in the area of military capability development called "Pooling and Sharing". The concept involves groups of Member States coming together and pooling resources so as to retain, maintain and/or enhance their military capabilities which they can make available for Common Security and Defence Policy operations. Ireland is encouraging all Member States to be involved in this Pooling and Sharing Project to ensure an efficient use of training resources across the Union. A study commenced in February 2014 consisting of three work packages, Navigation, Diving and Naval

Mine Warfare. The study will be used to support the work of the Project Team with the overall aim being the improvement of participating Member States capabilities.

In July 2011, Minister Shatter secured Government approval pursuant to s. 8(5) of the Science and Technology Act 1987, whereby **Enterprise Ireland (EI)** would support Defence by raising the awareness of and engaging with, Irish-based enterprise and research institutes, including third level colleges that are engaged in relevant activities related to Defence Forces capability development. The primary objective is to support Defence Forces capability development and also to support innovation, growth and jobs in Irish based industry, particularly in the security and defence (dual use) sector, which can contribute to Ireland's economic development and recovery. This collaboration is now bearing fruit; the Defence Forces are involved in a myriad of research projects in an advisory capacity, some of which have applied for European Union funding.

On 3<sup>rd</sup> October 2011 the Minister launched a seminar on “**Opportunities in the European Security and Defence Markets**”, which was organised jointly by Enterprise Ireland and the Defence Organisation. The objective of the seminar, which was attended by representatives from academia, industry and the European Defence Agency (EDA), was to afford Irish industry and research institutions an opportunity to engage with the EDA, and to hear from the Defence Forces about initiatives in their area of capability development. This is in support of Government policy to promote and support investment in technology research and development and put in place incentives for companies engaged in research and development. The key note address was provided by Madame Claude France Arnould, Chief Executive of the EDA.

122. **Cyber Security** – On 20<sup>th</sup> June 2013 in preparation for the European Council of Defence Ministers, Minister Shatter in association with Estonian Ministry of Defence and the European Defence Agency hosted a High Level Conference entitled, “Cyber Security Cooperation in the European Union”.

123. **Ireland's Presidency** - During Ireland's Presidency of the EU, in 2013, Minister Shatter pursued an ambitious programme in the defence area to ensure the continued development of the EU's Common Security and Defence Policy (CSDP) and to enhance Ireland's position in this important policy area for EU Member States. See the link for comments in relation to Defence achievements: <http://www.defence.ie/WebSite.nsf/Release+ID/8D41C447AAC4B47480257B9D003619EB?OpenDocument>

124. **EU Security and Defence Council Meetings:** Minister Shatter attended the formal meeting of Defence Ministers held in Brussels in November 2013. The Conclusions arising from this meeting formed the basis of discussions and Conclusions by Heads of State or Governments on Common Security and Defence Policy in December. This occasion was the first time since the entry into force of the Lisbon Treaty that the European Council held a thematic debate on defence.

125. **Official Visit to the Middle East:** The Minister accompanied President McAleese on her official visit to Lebanon in October 2011. The visit to Lebanon afforded the Minister an opportunity to see, at first hand, the dedication and professionalism of military personnel and the tremendous work done overseas by the Irish Defence Forces. The Minister participated in meetings with members of the Lebanese government which addressed not only peace keeping matters but also the enhancement and development of closer economic ties between Ireland and Lebanon. Minister Shatter visited the Middle East again in March and later in November 2013. On both occasions he met with members of the joint Irish/Finnish Battalion, in Lebanon, Irish troops serving with UNTSO and UNDOF in Jerusalem and Syria. He also met with his ministerial colleagues in Lebanon, Israel, Jordan and Ramallah where he discussed the impact of the Syrian crisis on the broader region. He also had the opportunity to meet with representatives of the business, diplomatic and international communities from across the region. In November, he visited the largest refugee camp in Jordan, eight miles from the Syrian Border in which there are approximately 100,000 Syrian refugees resident.
126. **Callanan Report:** The Minister commissioned, in April 2011 and subsequently published, in September 2011, the report of Mr Frank Callanan S.C., into the circumstances related to the deaths of Cpl Fintan Heneghan, Pte Mannix Armstrong and Pte Thomas Walsh on 21 March 1989, while serving with C Company, 64<sup>th</sup> Infantry Battalion in the United Nations Interim Force in the Lebanon (UNIFIL). The inquiry encompassed a review of all available documents and interviews with all persons, as considered appropriate by him.
127. **Implementation of the Defence Forces Medical Services Review:** The recommendations of the PA Consultants Report on the restructuring of the Medical Corps have been designed to meet the demands and needs of the Defence Forces and implementation is progressing. The Minister is committed to providing a sustainable medical service to meet the needs of the Defence Forces both at home and overseas. An integrated model for the provision of the required medical services, involving both Medical Corps and outsourced service provision across the full range of services recommended by the PA consultants, is also being progressed. In this regard Request For Information (RFI) from prospective service providers was issued on 1 June 2012 to assist in evaluating potential options for market derived solutions to meet the medical requirements of the Defence Forces. A total of 15 proposals were received. Following on from the RFI, meetings were held with a number of service providers and the Department is now considering which services might be outsourced, on a service by service basis, and the most appropriate approach to take in this regard.
128. **Private Paddy Kelly Posthumous Award:** On 16 July 2012 Minister Shatter posthumously awarded the Military Star Medal to Private Paddy Kelly (RIP) who was tragically killed on active service in Ballinamore, Co. Leitrim in 1983. This was the first occasion the Military Star was awarded to a member of the Defence Forces killed on active service within the State. Such award was not possible until Minister Shatter amended the relevant defence force regulations in the autumn of 2011. Prior to then, such award could only be made where a

member of the Defence Forces was killed on active service outside the State, for example on UN duty.

129. **Irish Red Cross:** The Programme for Government provides for the initiation of a detailed legal review of the basis, structures and governance of the Red Cross in Ireland to improve its functioning in the light of changing circumstances. Changes proposed by the Minister to the Irish Red Cross Order 1939 were approved by the Government on 17 April 2012. The Amendment Order provides a legislative basis for a range of fundamental changes recently made to the corporate governance of the Society. As a consequence of these changes, on 8 May 2012 the Minister secured Government approval for the appointment of four Government nominees to the General Assembly of the Society. Furthermore, in accordance with the commitment made in the Programme for Government, a comprehensive review of all Red Cross legislation has recently commenced. To this end, the Department is continuing work on the review, in consultation with the Irish Red Cross Society. The review mainly relates to codification of the various legal instruments in effect since 1938. It is anticipated, subject to Government approval, that a Red Cross (Amendment) Bill will be published during the lifetime of this Government.

130. **Winter Ready Campaign -** On the 11 November 2013, Minister Shatter and Minister Hogan launched the 'Be Winter-Ready' 2013-2014 Information Campaign. A key aspect of this year's campaign was the launch of a Twitter social media presence @emergencyIE to promote the campaign. The main objectives of the campaign are:

- To provide practical advice to on how best to prepare for the coming winter.
- To ensure the public are aware of where advice and help can be found, if needed.
- To reassure the public that preparations are being made and arrangements have been put in place to ensure that there will be a coordinated response to severe weather events.

131. **Response to recent Severe Weather -** Since the onset of the recent periods of stormy weather, (December, 2013-February 2014), over 500 Civil Defence volunteers from right across the country were involved in dealing with the effects of severe weather since Christmas. They were engaged in a wide range of activities including evacuating homes, delivering sandbags, pumping water, clearing debris from roads and transporting elderly people.

During the same period the Army, the Naval Service and the Air Corps were placed on standby to respond to requests for support received from the Principal Response Agencies, (An Garda Síochána, the Health Service Executive and Local Authorities). The Defence Forces provided assistance on a number of occasions including assisting during the flooding in Limerick in early February.

The National Emergency Coordination Centre (NECC) was used during the period for several meetings of the National Coordination Group (NCG) on Severe Weather chaired by the Department of the Environment, Community and

Local Government. Support to the NCG was provided by the Office of Emergency Planning.

132. **MATS Data** - On the 4 June 2013 Minister Shatter announced that, in line with a commitment given by this Government, statistical information relating to the Ministerial Air Transport Service (MATS) will be published on the Department of Defence website and this information will be updated on a monthly basis.
133. **Integration of Civil Defence at National Level:** On 1<sup>st</sup> January 2013, in line with Government policy on reducing the number of State agencies, the functions of the former Civil Defence Board were transferred back to the Minister for Defence. During 2013 Civil Defence at national level, which is headquartered in Roscrea, Co. Tipperary, was successfully integrated back into the Department. This integration was achieved without any negative impact on the important role of Civil Defence in supporting the frontline emergency services and also supporting local communities throughout Ireland.
134. **Centenary of the Foundation of the Irish Volunteers** - In November 2013 one of the key commemorations under the Decade of Commemorations was successfully organised and executed by the Department of Defence and the Defence Forces.
135. **Defence Forces Annual Carol Service** – Minister Shatter attended the Defence Forces Annual Carol Service 2013 on the 11 December in Dublin. At his suggestion for the first time this event was live streamed to Irish Troops serving with the United Interim Force in Lebanon (UNIFIL) and with the United Nations Disengagement Observer Force (UNDOF) in Syria. It was also available live to all Military Installations and Army barracks in Ireland, including the Military compound in Portlaoise Prison. It can now be accessed on YouTube from [www.defence.ie](http://www.defence.ie) or [www.military.ie](http://www.military.ie)
136. **Launch of the Military Service (1916-1923) Pensions Collection:** On 16<sup>th</sup> January 2014, the Taoiseach launched the first release on line of material from the Military Service (1916-1923) Pensions Collection at the G.P.O. Dublin. This event was part of the National Commemorative Programme, co-ordinated by the Minister for Defence and the Minister for Arts, Heritage and the Gaeltacht. The Military Service Pensions Archive project is a cornerstone project of the Government Decade of Centenaries 2012-2022 Commemorative programme and the Collection numbers almost 300,000 application files for pensions, allowances and medals as well as supporting documentation. The first online release of material from the Military Service (1916-1923) Pensions Collection is primarily focused on the participants of the 1916 Rising. Future releases of material from the Collection will take place over the coming years.

**1 April 2014**

**ENDS**