

DEPT OF JUSTICE, EQUALITY AND LAW REFORM

**AGREED PROGRAMME FOR GOVERNMENT
2007 - 2012**

1st PROGRESS REPORT

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CHILDREN

1	Over the next five years we will: <ul style="list-style-type: none">• Increase paid maternity leave by 5 weeks and make all leave after the first 26 weeks available to either parent• Work with the social partners to promote the greater availability of family-friendly work practices• Examine the possibility of introducing paternity benefits• Examine the possibility of shared parental leave
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Progress Report Update:

This Department is currently leading a review of Maternity/Parental Leave (as committed to in *Towards 2016*) with input from other government departments and the social partners. This review will also examine the possibility of introducing a statutory provision for paternity leave. It is intended that this review will be completed by end 2008.

This Department plays an active role on the National Framework Committee for Work/Life Balance Policies which is chaired by the Department of Enterprise, Trade and Employment.

2	We will fund the implementation of a range of new community sanctions which came into force last March (2007) as an alternative to detention and which will be operated by the Probation Service. These community sanctions will include sanctions against the parents of offending youths.
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Progress Report Update:

The Irish Youth Justice Service (IYJS) is working with the Probation Service to ensure the range of community sanctions which were introduced on 1 March 2007 are rolled out to ensure these options are available for the Courts in dealing with young people who offend. These sanctions include the mentor or family support order which is aimed at helping, advising and supporting the child and its family. Parents may also be involved in various steps under the Children Act, 2001 and in family and restorative justice conferences as well as good behaviour orders. An investment of €104m has been earmarked under the National Development Plan 2007-2013 for the implementation of the new community sanctions.

On 18 April 2007 the Government approved the allocation of significant additional resources to allow for effective implementation of the Children Act, 2001. The additional resources include:

- 75 extra staff between Probation Service and Irish Youth Justice Service
- 3 extra Judges for the Children Court
- 28 extra JLOs over 4 years

The Courts are beginning to make use of these new sanctions which were commenced in March 2007 and were introduced at District Court level by way of amended court rules on 27 July 2007.

The National Youth Justice Strategy 2008-2010 was launched on 27 March 2008. The Strategy focuses on children who have already had some contact with the criminal justice system. The aim of the Strategy is to provide a partnership approach among agencies working in the youth justice system. It includes a number of goals and targets to help the IYJS and other Government Departments and agencies measure progress and assess where available resources should be targeted. The Strategy was developed in consultation with a number of key stakeholders in the area of youth justice. Based on the principles of the Children Act 2001, as amended, and the Government's decision to reform the youth justice area, the Strategy contains five high level goals.

To ensure effective implementation of the National Youth Justice Strategy 2008-2010 and facilitate cross-agency collaboration, the Minister for Children established a National Youth Justice Oversight Group which includes representatives of the key stakeholders involved.

3	We will double the number of Garda Youth Diversion Projects and fund the development of other programmes for children who offend.
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Progress Report Update:

Garda Youth Diversion Projects are nationwide, community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved in anti-social and/or criminal behaviour. A significant increase in the number of projects was achieved in 2007 with the addition of 29 new projects. There are now 100 GYDPs located nationwide.

4	We will invest in the provision of appropriate detention facilities for youth offenders.
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Progress Report Update:

There are currently four children detention schools in the State:

- Oberstown Boys School, Lusk, Co Dublin
- Oberstown Girls School, Lusk, Co Dublin
- Trinity House School, Lusk, Co Dublin
- Finglas Child and Adolescent Centre, Dublin 11

In March 2008, the Government approved proposals to build a new national detention facility to cater for all children up to 18 years who are ordered to be detained by the courts. The facility will be developed on a single site at the existing Oberstown Campus near Lusk, Co. Dublin. A project manager was appointed by the Irish Youth Justice Service in May, 2008. The procurement process for the design team to develop the campus has commenced and is expected to be completed by the end of 2008. A programme of refurbishment work is currently taking place across each of the four detention schools to improve the current facilities, until such time as the larger development programme has been completed.

5	We will guard against age-related discrimination in the workplace.
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Progress Report Update:

The Employment Equality Acts 1998 to 2007 prohibit discrimination in employment in relation to nine grounds, one of which is age. The Working Group on Equality Proofing, which is chaired by the Dept of Justice, Equality and Law Reform, and whose membership is drawn from the Four Pillars of Social Partnership and from relevant Government Departments, the Equality Authority and the Combat Poverty Agency, is working towards the introduction of a wide ranging system of equality proofing to assess the impact of policy on all nine grounds identified in equality legislation.

6	We will ensure that a comprehensive immigration policy is implemented, that our asylum system is robust and that our new residents are integrated within the wider community.
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Progress Report Update:

The Immigration, Residence and Protection Bill 2008, which is currently at Committee Stage in the Dáil, will lay the foundation for meeting many of the Agreed Programme for Government commitments on immigration and asylum matters and will:

- consolidate much of the existing immigration legislation dating from 1935 and codify the current administrative immigration arrangements relating to the granting of visas and the renewal of permissions to reside in the State;
- unify the processes for dealing with applications for protection in the State (at present covered by the Refugee Act 1996 and the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No 518 of 2006)) and all other aspects of the desire of a protection applicant to remain in the State with the intention of giving each applicant a complete answer to the question whether he or she will be permitted to remain in the State;
- provide in statute for a new status of long-term resident which gives the holder of that status rights in the State similar in most respects to those of Irish citizens; and
- provide a sound statutory foundation for the development and implementation of immigration policies to meet current and future evolving needs.

Insofar as asylum matters are concerned, the proposed reforms it contains are intended to reduce the time taken to process each case to finality and to further tackle abuses in the asylum system, both of which are in the interests of the genuine applicant and the protection of the integrity of the application process.

7	We will integrate the present asylum and pre-deportation examinations into one streamlined process that will deal with cases in a speedy manner.
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Progress Report Update:

The Immigration, Residence and Protection Bill 2008 will provide for the establishment of a single procedure which will integrate the processes for dealing with applications for protection in the State (at present covered by the Refugee Act 1996 and the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No 518 of 2006)) and all other aspects of the desire of a protection applicant to remain in the State (at present dealt with under the Immigration Act 1999) at the end of which an applicant will be informed whether he or she will be permitted to remain in the State.

8	We will ensure that the functions currently carried out by the Office of the Refugee Applications Commissioner (ORAC) are subsumed into the Irish Naturalisation and Immigration Service (INIS).
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Progress Report Update:

Under the Immigration, Residence and Protection Bill 2008 the work currently carried out by the Office of the Refugee Applications Commissioner will be taken over by the Department of Justice, Equality and Law Reform. A dedicated Transition Team has been established under the INIS Change Management Programme to plan and make the necessary preparations in this regard in advance of the enactment of the Bill.

9	We will establish a new body with an expanded remit, the Protection Review Tribunal, to replace the Refugee Appeals Tribunal. The Protection Review Tribunal will ensure that applicants continue to have access to a fair appeals process, while providing additional powers to the Chairperson to ensure greater consistency in decisions across the system.
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Progress Report Update:

The Immigration, Residence and Protection Bill 2008 provides for the establishment of a Protection Review Tribunal to replace the Refugee Appeals Tribunal. Under the Bill the new Tribunal will have an expanded remit to include appeals in relation to Subsidiary Protection matters and the Chairman will have additional powers, including powers to request a Tribunal Member to review a decision not yet issued and to refer decisions to the High Court, so as to ensure greater consistency with the law in decisions across the system.

10	We will act to uphold the integrity of the asylum applications system by providing for a more effective removals system for failed applicants.
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Progress Report Update:

As detailed in the update on Commitment 7 above, the Immigration, Residence and Protection Bill 2008 will provide for the establishment of a single procedure for dealing with applications for protection in the State and all other aspects of the desire of a protection applicant to remain in the State at the end of which an applicant will be informed whether he or she will be permitted to remain in the State. In the event of a negative decision in this regard, such a person will be unlawfully present in the State and must remove themselves or be removed.

11	We will review and enact the proposed Immigration, Residence and Protection Bill which will overhaul the body of Irish immigration legislation, set out a clear and integrated approach the whole process for foreign nationals coming to the State, staying here and, when necessary, being required to leave.
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Progress Report Update:

The proposals contained in the Immigration, Residence and Protection Bill 2007 were the subject of further review and a revised text of an Immigration, Residence and Protection Bill was published on 24 January, 2008. The Bill is currently at Committee Stage in the Dáil.

12	We will ensure that advice and assistance are provided in appropriate languages at ports of entry and that legal aid is provided for the immigration cases.
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Progress Report Update:

Extensive assistance is provided to asylum seekers in Ireland including support from the Refugee Legal Service which is fully funded by Government.

13	We will further develop the scheme for family reunification for family members of non-EEA national workers in the State.
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Progress Report Update:

Section 127 of the Immigration, Residence and Protection Bill 2008 allows for the making of regulations which will, amongst other things, specify the conditions attaching to residence permissions granted by the Minister for Justice, Equality and Law Reform. Among the conditions which can be specified is one relating to the extent to which the foreign national concerned can enjoy family reunification in the State. It is intended that, subject to the enactment of the Bill, one or more statutory instruments will be drawn up to deal with the issue of family reunification for migrants including family reunification for family members of non-EEA national workers in the State. In the meantime, a review of current policies has been undertaken which will inform the preparation of proposals for inclusion in such a statutory instrument

14	We will introduce a scheme for establishing a status of long-term resident which will apply to persons with more than five years' residence in the State.
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Progress Report Update:

Section 36 of the Immigration, Residence and Protection Bill, 2008 provides for a new long term residence permission. Eligibility to apply for a long-term residence permission is subject to a number of eligibility requirements including that the foreign national have been lawfully resident for 5 of the 6 years prior to the making of the application.

15	We will complete the phased implementation of the Irish Naturalisation and Immigration Service (INIS).
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Progress Report Update:

The Irish Naturalisation & Immigration Service (INIS) was established in early 2005. In 2006 the Department of Justice, Equality and Law Reform published a Value for Money Review of Asylum and Immigration. The Review involved a combination of, *inter alia*, financial and business analysis, resource mapping and allocation modelling and performance management. The Review made a number of recommendations, all of which have been accepted and many of which have been implemented.

A framework for the ongoing implementation of the recommendations arising from the Review has been in place in INIS since early 2007 in the form of a major Change Management initiative. This initiative included the establishment of a dedicated Change Management Unit in February 2007. The work of the Unit involves the coordination of the INIS Change Management Programme under the direction of a Change Management Project Board. The Change Management Project Board is chaired by the Director General of the INIS and includes the senior management of all agencies/divisions in INIS. The key drivers of the Change Programme are:

- The Immigration, Residence and Protection Bill 2008;
- IT developments;
- Structural changes to INIS business units and procedures arising from the Bill, increased business volumes and the need to improve staff development and customer services.

16	We will ensure a visibly independent appeals process.
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Progress Report Update:

The Immigration, Residence and Protection Bill provides for a number of review processes in respect of decisions that arise at various stages of the immigration process. These provisions lay the foundation for the fulfilment, during the lifetime of this Government, of this commitment. It is also intended to appoint, on an administrative basis at first, a person to act as chief review officer with the function of ensuring that there is consistency and a high quality of decision-making among those who deal under the Bill with visa reviews. With regard to longer term proposals it is intended to examine the Social Welfare Appeals system which is operated by staff of the Minister for Social Welfare and affords people dealing with the system a second look at the merits of their case independent of the original decision maker.

17	We will develop a national integration policy, based on equality principles and taking a revised and broader view of social inclusion which builds on the experience of other countries.
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Progress Report Update:

‘Migration Nation’ – a Statement on integration strategy and diversity management was published in May 2008. The document highlights what the Irish Government, public bodies and society need to do to achieve migrant integration and sets out the key principles which will inform and underpin State policy in this area.

The new strategy focuses on the role of local communities, authorities, sporting bodies, faith-based groups and political parties in building integrated communities and the plans to target funding in these areas

18	We will appoint a Minister of State to implement the national integration policy. The Office will bring together in one administrative unit, key officials from relevant government departments who provide services to immigrants.
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Progress Report Update:

Minister of State (Mr Conor Lenihan T.D.) was appointed in June 2007 with responsibility for integration policy. The Minister is based in the Department of Community, Rural and Gaeltacht Affairs and has primary links to the Department of Justice, Equality and Law Reform and the Department of Education and Science.

The Office of the Minister for Integration has been established and staff from the Department of Justice are co-located with the Minister in Mespil Road. Staff from the Integration Unit of the Department of Education and Science are due to move to Mespil Road in autumn 2008. A member of staff from a partnership company has also been appointed to the Office.

19	We will continue to promote national campaigns aimed at challenging racism and promoting understanding of diversity and fund campaigns that educate the Irish public about the role of immigration in Irish society.
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Progress Report Update:

This year’s Intercultural and Anti Racism Week took place from 7–14 August 2008. The week is funded under the National Action Plan Against Racism and is organised by the National Consultative Committee on Racism and Interculturalism. A number of events were coordinated nationwide on a north/south basis. The theme of the Week was education, focussing on all aspects of both formal and non-formal education. A special toolkit aimed at education providers was launched during the week. The purpose of this toolkit is to raise intercultural awareness and open paths for dialogue between students and teachers. A poster campaign as well as web, e-mail, radio and print media were used to highlight the week.

The National Action Plan Against Racism is supporting the development of an action strategy that would support the development and management of integrated work places in Ireland. This action strategy is being developed in partnership with the Equality Authority and the social partners.

20	We will support the services offered by ethnic-led non-governmental organisations working with the immigrant community, in particular those which provide for the educational, cultural and linguistic needs of migrant workers.
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Progress Report Update:

Special provision has been made to support ethnic led organisations under a general small grants scheme recently approved for integration projects.

However, a more broad-based funding policy is being introduced to mobilise the participation of migrants in cultural, sporting, and political aspects of Irish life. This new funding approach is outlined in the Governments integration strategy ‘Migration Nation’. Under the revised arrangements, funding will be targeted to sporting bodies, Local Authorities, faith-based groups and political parties. This can supplement resources from other State sources with funding mandates for these groups.

JUSTICE

21	We will invest significantly in rehabilitation for prisoners, set annual goals and targets and by 2012 fully resourced and staffed rehabilitation programmes will be available to the entirety of the prison population
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Progress Report Update:

See commitment 22

22	We will ensure that a prisoner's rehabilitation needs are assessed on entering prison and that an appropriate programme is offered based on risk assessment and rehabilitation needs. Such programmes will consist of work, counselling, health services and education modules as well as offence-based programmes
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Progress Report Update:

It is proposed to deal with Commitments 21 and 22 together

The Commitments at 21 and 22 are being addressed through the development and roll out of Integrated Sentence Management (ISM) on a phased basis over the lifetime of the NDP. ISM is currently being piloted in two Dublin prisons. The evaluation and outcome of the pilot ISM project will inform its further expansion having regard to sentencing patterns and available resources - both financial and staffing. The planned phasing in of ISM complements the existing significant level of daily interventions happening across the prison system with offenders who are willing to engage with the range of supports currently available to help prisoners to address addiction, education and training needs.

23	We will ensure that prisoner remission will only be earned by participation in rehabilitation programmes, that refusal to participate will result in loss of remission and that remission higher than 10% will only be available where rehabilitation programmes are successfully completed and the offence did not involve violence
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Progress Report Update:

The linking of additional remission to rehabilitation has been provided for in the Prison Rules 2007. There are legal and constitutional issues in altering the remission regime for existing prisoners in the way envisaged in the Programme. These issues are being examined.

24	We will put in place similar conditions for those on remission as exist for those on bail regarding where they reside, who they associate with etc
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Progress Report Update:

The legal and constitutional issues relating to what type of conditions can be imposed on a person granted remission are also being examined.

25	We will extend measures to make prisons drug-free including a prohibition of physical contact with prisoners, drug tests on arrival (and regularly thereafter) with appropriate penalties and severe penalties for those who act as conduits for drugs
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Progress Report Update:

The Prison Rules 2007, effective from 1 October, 2007, include specific provision for mandatory drug testing. In addition there has been an intensification of efforts to eliminate the availability of illicit drugs within prisons through enhanced security consequent on the provision of additional resources to the Irish Prison Service in 2007 (155 additional staff) to allow for the establishment of a drug detection dog service within the IPS, the setting up of Operational Support Units for search and intelligence gathering purposes together with enhanced security screening and searching of all persons (staff and visitors) entering prisons. In addition, significant improvements in drug rehabilitation programmes for prisoners are being implemented with the support of specialist professionals such as nurses, psychologists and 24 dedicated addiction counsellors. This commitment is being implemented in line with the commitments in the Irish Prison Service Drugs Policy and Strategy and through the provision of significant additional resources.

26	We will continue to invest in the modernisation of our prisons and ensure that our prisons meet current international standards
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Progress Report Update:

The ongoing prisons building programme will see almost 40% of the entire prison estate replaced by modern, regime orientated prisons meeting best international practice. Central to this modernisation will be the Thornton Hall Campus. A preferred tenderer for the Thornton Hall Prison PPP project has been selected. Development consent was obtained from the Oireachtas in June, 2008. Contract negotiations with the preferred tenderer are at an advanced stage.

Development plans for the Munster Prison are at a preliminary stage.

27	We will ensure that major prisons contain high security wings/sections to house those convicted of particularly violent crimes or those who pose a danger to other prisoners or prison staff
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Progress Report Update:

Two such facilities are already in place at Cloverhill and Portlaoise prisons and the Thornton Hall Campus will have a high security facility

28	We will introduce a Prison Discipline Strategy to ensure that Ireland has facilities and procedures for enforcing prison discipline which meet the highest international standards and to monitor and review the operation of the new prison rules
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Progress Report Update:

The necessary legislative basis (Part 3 of the Prisons Act, 2007), operative from 1 October, 2007, provides for revised disciplinary procedures to be applied to prisoners, including access for prisoners to an independent appeals mechanism as provided for by section 15 of the Act. The necessary Appeals Tribunal was established in January, 2008.

29	We will ensure effective and independent monitoring and inspections of places of detention and ratify the Optional Protocol to the UN Convention against Torture to guarantee this obligation
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Progress Report Update:

The independent Office of Inspector of Prisons is in place; Prison Visiting Committees are in place in all of the prisons; CPT has a monitoring role which is generally exercised on a four year cycle and its reports and the Government's response thereto are published. The last visit of the CPT to Ireland was in 2006.

Issues associated with the need for legislation to enable OPCAT to be ratified are under active consideration.

In March 2008, the Irish Inspector of Social Services (ISSI), part of the Health Information and Quality Authority (HIQA) was authorised by the Minister for Children and Youth Affairs to carry out inspections of the children detention schools. Inspections are scheduled to commence by the end of the year. A self-audit has recently been carried out within each of the children detention schools as part of the preparations for the inspections.

A Child Protection Policy is in place for the children detention schools and each school has a designated child protection officer. All staff are trained in child protection. The schools operate in accordance with agreed minimum standards set out in the document *Standards and Criteria for Children Detention Schools*.

In addition to inspections, the children detention schools come within the remit of the Ombudsman for Children. All young people in detention are informed of their right to contact her and the procedures for doing so. The Ombudsman has visited each of the schools.

A Serious Incident Policy was agreed in March 2008 and has been implemented in the schools. The Policy sets out the procedures for reporting and recording serious incidents and remedial actions taken. It includes a six monthly review of all incidents at the Prison Service Director's Forum.

30	We will fully support the new Inspector of Prisons who has been established on a statutory basis and who will have serious complaints referred to him by the Minister
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Progress Report Update:

The independent Office of Inspector of Prisons has been established in accordance with the provisions of the Prisons Act 2007. The new Inspector, Judge Michael Reilly, took up office on 1 January, 2008.

31	We will build on the community service order regime by introducing a “Community Payback” Scheme that will require offenders who are not subject to automatic long prison terms to provide real services for the communities they have damaged – including street cleaning, removal of graffiti, repair of public facilities etc
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Progress Report Update:

This commitment is being examined in the context of a Value for Money and Policy review of the statutory Community Service Order Scheme. This report is due before end 2008.

32	We will give victims and communities a greater say in what work offenders do as part of their community service, including where appropriate direct reparation in cash or kind
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Progress Report Update:

Response as at 31.

33	We will provide for a system of parental responsibility for criminal damage and costs incurred by victims of their children’s anti-social behaviour in addition to recently enacted provision for parental supervision and compensation orders
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Progress Report Update:

The Children Act 2001, as amended, was fully commenced in 2007 and provides for a number of measures in relation to parental responsibility in respect of children involved in anti-social behaviour, and children found guilty of offences. These measures include parental supervision and compensation orders. The imposition of any particular sanction on the parents or guardians of an offending child is a matter for the judiciary.

Separate to provisions outlined above, provisions to address anti-social behaviour by young people were introduced as part of the Criminal Justice Act 2006, with effect from 1 March, 2007. The anti-social behaviour measures which apply to young people are separate from those which apply to adults and the protections of the Children Act 2001 apply.

A Behaviour Order is the last in a series of steps which give all concerned the opportunity to address the behaviour. Before a Behaviour Order can be sought, behaviour warning and good behaviour contract procedures must have been pursued. The option of referral to the Garda Youth Diversion Programme may also be pursued

The National Youth Justice Strategy 2008-2010 which was published in March 2008 provides for the monitoring of the use of anti-social behaviour measures in the Children Act. This will be progressed during the term of the strategy.

34	We will create Anti-Social Behaviour Action Teams (ASBATS) in each local authority area
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Progress Report Update:

The Agreed Programme for Government contains a range of commitments to combat anti-social behaviour. One of these is the creation of Anti-social Behaviour Action Teams (ASBATS) which would operate in areas experiencing serious problems with anti-social behaviour.

The Department is currently researching the structure, role and activities of similar teams in other jurisdictions with a view to advancing implementation of this commitment.

35	We will increase penalties under the Public Order Act especially for alcohol-related disorder and increase the fine for supplying alcohol to under 18s from €1,500 to €5,000
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Progress Report Update:

Section 22 and Schedule 2 of the Intoxicating Liquor Act 2008 provide for increases in the levels of fines under the Criminal Justice (Public Order) Act 1994. The fines relate to alcohol related disorder and associated anti-social behaviour. The 2008 Act provides for other measures to control alcohol related disorder such as an amendment to the Intoxicating Liquor Act 1988 to allow a member of An Garda Síochána to confiscate alcohol from the possession of persons under the age of 18 in a public place and an amendment to the Criminal Justice (Public Order) Act 1994 to allow a member of An Garda Síochána to direct persons in possession of alcohol in a public place whom the member believes are behaving or are likely to behave in a disruptive manner to (a) surrender the alcohol, (b) desist from behaving in such a manner, and (c) to leave the area. The fine for supplying alcohol to under 18's was increased from €1,500 to €5,000 by Section 17 and Schedule 1 of the 2008 Act.

The Intoxicating Liquor Act 2008 has recently been enacted. The commencement date for most of the provisions was 30 July 2008.

36	We will expand Garda powers to issue “stay away orders” where there is harassment in public places, at a person’ home or witness intimidation
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Progress Report Update:

Examination of this commitment is continuing.

37	We will legislate to allow Gardaí use “restriction orders”, which would be used in emergency situations to restrict named persons from travelling to or from certain places for defined periods of time
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Progress Report Update:

Examination of this commitment is continuing.

38	We will increase the CCTV grant aid system for community groups and organisations as part of a nationwide CCTV rollout in all major county towns
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Progress Report Update:

To date 10 Community-based Schemes are fully operational with up to 16 further Schemes expected to become operational within the next year. Separately, a total of 17 Garda “town Centre” CCTV systems are being installed – 3 are operational and a further 9 will be completed this year. The remaining 5 are planned for early 2009. These systems are in addition to the 9 Garda systems already in place.

39	We will establish special Garda units to deal with anti-social behaviour on public transport
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Progress Report Update:

Implementation of this commitment will be considered by the Garda authorities in the context of the overall allocation of the resources available to them and in the context of the existing security arrangements made by transport providers.

40	We will legislate for mandatory jail terms for violent unprovoked assaults and specifically criminalise the practice of so-called “happy slapping” i.e. the making and publication of videos of violent assaults
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Progress Report Update:

Further consideration is being given to this commitment including in the context of the existing statutory provisions relating to assaults, which are currently contained in the Non-Fatal Offences Against the Person Act, 1997.

41	We will work within communities where anti-social behaviour is more prevalent by improving and supporting community-based approaches, including family-focused solutions and community policing
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Progress Report Update:

One of the Garda priorities set by the Minister for 2008 is to combat, particularly in cooperation with other agencies and the community generally, the problems of public disorder. In particular that there should be particular emphasis on alcohol related behaviour (including under age drinking) and socially disadvantaged communities.

Anti-social behaviour and areas subject to such behaviour have been identified as hot-spots by local Garda management and additional foot patrols and mobile patrols, are directed in these areas during times when these offences are more likely to occur. All such incidents, detected by members on patrol or reported to An Garda Síochána are dealt with immediately and the suspected offenders are dealt with in accordance with the law, including the provision of Criminal Justice (Public Order) Act 1994, the Non-Fatal Offences Against the Person Act 1997, the Criminal Damage Act 1991, and the Criminal Justice Act 2006.

42	We will complete the current expansion of the Garda numbers to 15,000 by 2010 and 16,000 by 2012
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Progress Report Update:

The total strength of sworn officers in An Garda Síochána as of 18 August 2008 is 14,074. There are 1,351 student Gardaí at various stages of the training programme. Of these student Gardaí, 275 are due to be attested on the 12 September 2008. Recruitment will continue in accordance with Government policy and in line with the level of resources available.

43	We will rapidly improve the ratio of civilian staff to Garda officers across all areas of the organisation, including specialist areas, thereby releasing further Gardaí to visible, frontline policing duties in the community
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Progress Report Update:

There are currently 14,074 Garda members, all ranks, serving as of 18 August 2008.

The number of whole-time equivalent civilian staff in An Garda Síochána has increased from 1,282 on 1st January 2007 to 1,995 (2,574 individuals) on 31st July 2008 – an increase of 713 (56%) whole-time equivalent civilian staff. The ratio of Civilian staff to Garda staff, which was 1 civilian to 10 Gardaí in January 2007, is now 1:7.

Civilian staff are involved in the provision of a wide range of important support services in the administrative, professional, technical and industrial areas, including Human Resources, Training & Development, IT and Telecommunications, Finance and Procurement, Internal Audit, Communications, research and analysis, accommodation and fleet management, scene-of-crime support and medical services.

44	We will provide for an increased number of promotion posts to ensure that management is not over-stretched by this expansion
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Progress Report Update:

In May 2006 the Government approved an increase in the strength of Inspector rank from 296 to 369, (increase of 73) and of Sergeants from 1,977 to 2,420, (increase of 443).

In 2007, 270 Gardaí were promoted to the rank of Sergeant and 90 Sergeants were promoted to the rank of Inspector.

45	We will use the extra capacity in An Garda Síochána to target communities experiencing significant anti-social behaviour and crime which impacts on people in their daily lives
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Progress Report Update:

Anti-social behaviour and areas subject to such behaviour have been identified as hot-spots by local Garda management and additional foot patrols and mobile patrols, are directed in these areas during times when these offences are more likely to occur. All such incidents, detected by members on patrol or reported to An Garda Síochána are dealt with immediately and the suspected offenders are dealt with in accordance with the law, including the provision of Criminal Justice (Public Order) Act 1994, the Non-Fatal Offences Against the Person Act 1997, the Criminal Damage Act 1991, and the Criminal Justice Act 2006.

46	We will introduce a Garda Charter setting out targeted Garda response times and levels of service which the public can expect including frequency of high visibility patrols in urban and rural communities
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Progress Report Update:

The Garda Inspectorate has been requested to provide advice on the development of a Garda Charter and the Garda Commissioner has committed in the 2008 Policing Plan to commence development of the Charter during the third and fourth quarters of 2008.

47	We will conduct regular detailed analyses of Garda-to-population ratios to ensure every region in the country has appropriate policing
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Progress Report Update:

An Garda Síochána operate a computer modelling program called GERM (Garda Establishment Redistribution Model). This allows for distributing Garda members based on geographical population figures. Due to the re-aligning of a number of Garda district boundaries this program is currently being updated to reflect the changes due to local population spread.

48	We will ensure that special operations such as Operation Anvil continue and are based on Garda management study of crime patterns
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Progress Report Update:

Operation Anvil commenced in the Dublin Metropolitan Region (DMR) on 17 May, 2005 and was extended nationwide in 2006. It is an intelligence led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting their criminal activity through extensive additional overt patrolling and static check points by uniform, mobile and foot patrols, supported by armed plain clothes patrols.

The Garda Commissioner has publicly re-affirmed his commitment to the objectives of Operation Anvil. The Operation is augmented by other initiatives, both locally and nationally, and will continue to be undertaken by all units and sections of An Garda Síochána. More than €20 million has been set aside for Operation Anvil in 2008.

49	We will support the Garda Reserve and ensure that its strength reaches and is maintained at 10% of Garda strength
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Progress Report Update:

In the Policing Plan for 2008 the Garda Commissioner has set a target of recruiting 270 Reserve members this year. As the Garda Reserve depends on volunteers who undertake their training and other duties during their free time, it is difficult to predict how many people will commence training in any particular period.

Recruitment is continuing and regular promotional efforts to attract potential Reserve members are being undertaken.

At the end of July 2008 the strength of the Garda Reserve stood at 377. This figure comprises 255 operational Reserve members and 122 in training. Nineteen members have also resigned in order to become full-time members of An Garda Síochána.

50	We will task the Garda Inspectorate with assessing the need to establish a dedicated Missing Persons Unit, including a response network similar to ‘Amber Alert’ in the USA
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Progress Report Update:

The Garda Inspectorate has been formally requested to examine: the current practice in Ireland regarding missing persons; alert systems operating in other countries – including Amber Alert in the USA - and how effective such systems would be in an Irish context; the use of existing international mechanisms in place to assist in tracing missing persons, such as Europol, Interpol and the Schengen Information System (SIS), and having regard to the EU proposal currently being considered; and whether specific arrangements are needed to deal with missing children or with specific categories of such children. The report should recommend any changes which are considered necessary to bring the system in Ireland into line with best international standards.

51	We will introduce conditions governing the use by a suspect of the Garda interview video – contravening these will be a criminal offence
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Progress Report Update:

Section 56 of the Criminal Justice Act 2007 governs the circumstances in which a copy of the recording of interviews conducted by the Garda Síochána may be given to an accused. Specifically the section provides that only a person charged with an offence before a court, or his or her legal representative, may be given a copy of any recording of the questioning of the person while he or she was detained. The decision is a matter for the court and it may be subject to such conditions (if any) as the court may specify. A breach of the court order is punishable as a contempt of court.

52	We will monitor the new code of discipline and whistleblowers regulations, implemented following the Morris Tribunal findings
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Progress Report Update:

The Confidential Recipient for the Whistleblowers regulations has been appointed (former Secretary General to the President Brian McCarthy) and the Garda Whistleblowers Charter was approved by the Minister in June 2008.

The implementation of the new Discipline Regulations is being monitored to ensure effective operation of the new disciplinary system.

53	We will place a renewed emphasis within An Garda Síochána on the importance for the Force to play an active role in tackling the scourge of racism and homophobia and upholding the human rights standards within our society
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Progress Report Update:

The Garda Síochána leadership has committed the organisation to this objective and maintains strong links with groups representing people concerned with these issues.

54	We will complete the implementation of the Barr Tribunal recommendations and also implement the recommendations contained in the Garda Inspectorate report relating to barricade incidents
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Progress Report Update:

Of the 84 recommendations contained in the Garda Inspectorate Report into Barricade Incidents, over 36% have been implemented with a further 27% partially implemented. It is intended to address the remaining recommendations by the end of 2009.

55	We will expand the successful Drug Court programme and provide judges with the option of sentencing certain offenders to mandatory drug treatment programmes in addition to prison
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Progress Report Update:

The Drug Treatment Court, which originally operated on a pilot basis in the North inner city of Dublin now operates on permanent footing and extends to the Dublin 7 area. The Court uses a multi-disciplinary approach and involves a range of Government Departments and agencies charged with dealing with various aspects of the problem of drug misuse.

The Court operates with the assistance of a team which includes the judge, a probation and welfare officer, an addiction nurse, a Garda liaison officer and education/training representative and counsellors. The Department is currently examining the operation of the court and officials are looking at best practice elsewhere to see how the Court's throughput levels might be increased to the benefit of recovering drug addicts and the wider community.

56	We will increase Garda search powers in relation to drug crime along the lines of the new random breath-testing model for drink driving to allow random searches at particular places, times and events where senior Gardaí believe there is a risk of drugs being present and support targeted Garda anti-drug use programmes in schools and third level institutions
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Progress Report Update:

The issues raised by this commitment are under active consideration.

57	We will expand the Criminal Assets Bureau operational presence in each Garda Division with the introduction of additional criminal assets profilers and CAB liaison officers in each Garda Division with appropriate training and links into the urban CAB success
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Progress Report Update:

Since February 2008 an additional 56 Gardaí have received initial training in financial profiling in the Garda College and have been appointed as Divisional Profilers. There were 25 profilers at the end of 2007. The total number of Gardaí acting as criminal assets profilers is now 81. In addition to the initial training, 49 profilers have also received an additional one week 'in house' training at the offices of the Criminal Assets Bureau. This aspect of the ongoing training programme will have been completed by November 2008. In addition, 11 officials from the Revenue Commissioners have been trained as assets profilers.

The complement of officers engaged in asset profiling at divisional level will continue to be engaged in this work in order to ensure that the efforts of the Bureau are targeted in the most effective manner possible.

58	We will continue to support and fully fund specialised Units such as the Criminal Assets Bureau and the National Criminal Investigations Bureau so that the scourge of organised crime can be combated
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Progress Report Update:

Criminal Assets Bureau

Since January 2008, one additional Detective Sergeant, 4 Detective Gardaí, 2 new Revenue Officers and 2 new Forensic Analysts have been appointed to the Criminal Assets Bureau.

The Bureau has a number of ongoing operations in the investigation of organised crime and these are being conducted in conjunction with the other national Garda units.

Organised Crime Unit

The Organised Crime Unit (OCU) which had been established on a temporary basis in November 2005 was established on a permanent basis in January 2008. On 29 July 2008, 9 Detective Sergeants and 61 Detective Gardaí were appointed permanently to the Unit.

The OCU engages in targeting criminal groups, profiling and building intelligence which is used in intelligence-driven operations. It also engages in inter-agency operations and seizes cash and the proceeds of crime which is further dealt with by the Criminal Assets Bureau.

Specialised Units

The use of specialised units, and intelligence-led operations by Gardaí, continues to be an effective means of tackling crime. In this respect, the use of such units by Garda management will continue to receive the support of Government. The funding allocated to, for example, the Criminal Assets Bureau will remain an integral part of the ongoing fight against crime.

Where Garda management specify the need for the creation or expansion of specialist units, these requests will be considered and supported where appropriate. The assignment on a permanent footing of 70 officers in January 2008 to the Organised Crime Unit demonstrates the Government's commitment in this regard, as does an increase in the staffing complement of the Criminal Assets Bureau.

59	We will fully implement into Irish law the EU and Council of Europe human rights instruments against trafficking in human beings and provide supports for the victims of such trafficking
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Progress Report Update:

The **Criminal Law (Human Trafficking) Act 2008** is fully operational since 7 June 2008. This Act creates offences of trafficking in children and adults for the purposes of their sexual or labour exploitation or the removal of their organs. It also makes it an offence to sell or offer for sale or to purchase or offer to purchase any person for any purpose. Penalties of up to life imprisonment apply in respect of these offences. This legislation brings Ireland into compliance with criminal law/law enforcement of

1. the EU Framework Decision on combating Human Trafficking
2. the Council of Europe Convention on Action against Human Trafficking *and*
3. the UN Protocol to Prevent, Suppress and Punish trafficking in persons especially women and children.

The **Immigration, Residence and Protection Bill** is currently at Committee stage in the Dáil. Section 124 of the Bill, provides for a period of recovery and reflection of 45 days in the State for alleged victims of trafficking and also, in circumstances where the person trafficked wishes to assist the Gardaí in any investigation or prosecution in relation to the alleged trafficking, a further six months period of residence, renewable, to enable him or her to do so. An administrative framework broadly reflecting the provisions in the Bill, was introduced on 7 June to provide for the period of recovery, reflection and residency in the State until the full enactment of the provisions of the Immigration, Residency and Protection Bill.

In addition, the National Action Plan to Prevent and Combat trafficking in Human Beings is currently being drafted and will have a strong focus on preventing trafficking becoming a major issue in Ireland. We hope to have all arrangements in place to enable us to fulfil all of our international obligations by May/June 2009 which will then enable us to ratify the Council of Europe Convention on Action Against Trafficking in Human Beings and the Protocol to the UN Convention Against Transnational Organised Crime.

60	We will establish a Judicial Sentencing Commission under the auspices of the Courts Service. This Commission will be comprised only of serving judges from each of the State's courts and its powers will include the power to establish sentencing guidelines which will improve the consistency of judicial sentencing without impairing the independence of trial judges in specific cases. Trial judges will be required to follow the Commission's guidelines or to explain why the guidelines are not being followed in any particular case
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Progress Report Update:

The Courts Service Board has established a committee to plan for and provide information on sentencing. The committee, which is chaired by Mrs. Justice Susan Denham of the Supreme Court, is composed of a judge from each jurisdiction and a member of a university law faculty expert in sentencing law. The project, known as the Irish Sentencing Information System ("ISIS"), involves an examination of the feasibility of providing a computerised information system on sentences and other

penalties imposed for criminal offences, in order to assist judges when considering the sentence to be imposed in an individual case. The sentencing information system will enable a judge, by entering relevant criteria, to access information about the range of sentences and other penalties imposed for particular types of offence in previous cases. The Committee established a pilot project in June 2006 in Dublin Circuit Criminal Court. A further pilot commenced in Cork Circuit Court in 2008. An appropriate IT system has been developed incorporating a database where the information collected is electronically stored for subsequent retrieval and searching by the sentencing judges and other interested parties.

61	We will introduce a formal review process, on an annual basis, to assess the effect of the stringent new mandatory sentence regime for drug crime introduced in the Criminal Justice Act 2007. This process will be carried out by representatives of the Government, the DPP and An Garda Síochána in consultation with the Courts Service (as appropriate) and will determine whether further amendments to the operation of the system are required
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Progress Report Update:

The Agreed Programme for Government includes a commitment to conduct a formal annual review of the effect of these provisions concerning the mandatory sentence regime for drug crime which were introduced by the Criminal Justice Act 2007.

As the provisions in question which are contained in Section 33 of the Act were commenced with effect from 18 May 2007, they have only been in operation for less than 18 months.

A formal review mechanism will be set up in the course of 2009.

62	We will introduce a formal annual review to assess the effect of the stringent new bail regime introduced in the Criminal Justice Act 2007. This process will be carried out along the lines of the mandatory sentence for drug crime review above and will determine if further amendments to the operation of the bail system are required
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Progress Report Update:

Prior to the Sixteenth Amendment of the Constitution bail could be refused essentially only on the grounds that a person would be likely to abscond or interfere with witnesses. The Bail Act, 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person.

There have been concerns at how, in practice, our bail laws have been operating and these led to the inclusion in the Criminal Justice Act, 2007 of a series of new provisions designed to tighten up on the granting of bail. Those provisions have been in operation for just 12 months and their effectiveness will be reviewed. In addition it is intended to keep all aspects of the operation of our bail law under review to see whether further changes are necessary.

63	We will provide for the DPP to appeal against lenient sentences in the District Court and allow the DPP to make submissions at sentencing stage
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Progress Report Update:

The question of providing the DPP with a power to seek a review of unduly lenient sentences handed down in the District Court was examined by the Law Reform Commission in its report on prosecution appeals and pre-trial hearings (LRC 81-2006). The LRC took the view that in principle such sentences should be subject to review. However, the LRC felt that more information was required on sentencing practices in the District Court before proceeding to give the DPP such a power.

This information deficit is being addressed by the steering committee established by the Courts Service Board to plan for and provide information on sentencing. The committee, under the chair of Mrs. Justice Susan Denham of the Supreme Court has initiated a project, known as the Irish Sentencing Information System (ISIS). ISIS involves an examination of the feasibility of providing a computerised information system on sentences and other penalties imposed for criminal offences. This will assist judges when considering the sentence to be imposed in an individual case. The objective of a sentencing information system is to enable a judge, by entering relevant criteria, to access information about the range of sentences and other penalties imposed for particular types of offence in previous cases. It is expected that the outcome of this initiative will prepare the ground for the implementation of this commitment in the Programme for Government.

The issue of prosecution submissions at the sentencing stage was examined by the Balance in the Criminal Law Review Group. The recommendations made by the Review Group are being examined by this Department.

64	We will enhance the role of the Judicial Studies Institute in assisting the professional development of the judiciary
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Progress Report Update:

The Courts and Court Officers Act, 1995 enables the Minister for Justice, Equality and Law Reform to provide funds for judicial training courses arranged by the judiciary and, in this regard, funds are made available to the Judicial Studies Institute which was established by the Chief Justice for the purposes of judicial training. A sum of €500,000 was made available for 2008.

Work is proceeding on the development of a Judicial Council Bill. The intention is that the Bill will establish a Judicial Council representative of the judiciary of all the courts. The council will have functions relating to judicial ethics and judicial information. Legislation to create a Judicial Council and deal with judicial ethics and discipline is at an advanced stage of development in the Department and is being considered in consultation with relevant interests including the judiciary. As regards judicial information, the intention is that the council will oversee judicial studies, the sharing of information between judges on matters such as sentencing, library services and related matters. The proposed Bill is the subject of consultations with the Courts Service and in particular, the Chief Justice.

65	We will introduce means to ensure that criminal trials can no longer be collapsed because of legal technicalities. This will include legislation and, if necessary, appropriate amendment to the Constitution
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Progress Report Update:

The issues raised by this commitment were considered by the Balance in the Criminal Law Review Group. The recommendations made by the Review Group are under consideration.

66	We will introduce new pre-trial procedures to deal with admissibility of evidence to save overtime, and the time of jurors and the court
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Progress Report Update:

The recommendation of the Balance in the Criminal Law Review Group on this topic was for legislation to provide that admissibility issues be determined prior to the swearing in of a jury on the first day or days of a trial. This issue is being given further consideration in the Department of Justice, Equality and Law Reform.

67	We will permit the Court greater discretion in respect of how trials are to be conducted and enable it to give directions as to document exchange and scheduling of witnesses
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Progress Report Update:

A number of initiatives have been undertaken in 2007, including a detailed draft Scheme of rules for cases progression in respect of High Court Litigation. The purpose of case progression is to ensure that proceedings are prepared for hearing in a manner which is just, expeditious and likely to minimise costs. An order to amend Circuit Court rules for the progression of family law cases has been prepared by the Circuit Court Rules Committee and will be signed into law by the Minister in the near future. The new rules will assign functions to the County Registrar currently dealt with by the judge. This will relieve Circuit Court judges of their large pre-trial applications caseload thus freeing them up for trial work. It is anticipated that case progression hearings will facilitate parties in reaching agreement on issues in dispute.

68	We will put in place a structure whereby the defence will accept certain kinds of technical evidence by certificate of Gardaí unless they can show good reason why Gardaí should have to be physically present in court and will put in place a structure whereby technical evidence, particularly search warrants, are presumed to be valid unless contradictory evidence can be produced
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Progress Report Update:

Consideration of certain aspects of this commitment is ongoing in the context of a proposed Criminal Justice (Miscellaneous Provisions) Bill.

69	We will introduce procedures so that the defence should provide the prosecution with a list of intended witnesses and put structures in place to ensure that the prosecution is on notice of the points of defence raised by the defence in advance
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Progress Report Update:

Being considered by the Law Reform Commission in their Third Programme of Law Reform. Also being considered in the context of the legislation on the “*Justice for Victims*” initiative.

70	We will provide, in non-criminal matters, lawyers’ clients with a right of application to the Court where they contend that their legal bill is excessive and includes wasted costs
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Progress Report Update:

Proposals for a Legal Costs Bill are in the course of preparation in the Department. The Bill is a commitment in the Government's Legislative Programme.

71	We will establish a statutory Victims Support Agency and set up a Victim’s Council to formulate victim policy
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Progress Report Update:

The Minister for Justice, Equality and Law Reform in June 2008 brought forward his “*Justice for Victims Initiative*” agreed by Government, which included a set of administrative initiatives for supporting victims of crime. Under the administrative package a new full time Executive Office for the support of victims of crime has been established within the Department of Justice, Equality and Law Reform with effect from 1 September 2008. Its core mandate is to champion the rights of victims of crime. The Commission for the Support of Victims of Crime is being reconstituted and a Victims of Crime Consultative Forum, representing victims’ interests, which will engage with the Commission, is being established. These are expected to be in place by end 2008. It is not considered necessary to place the new bodies on a statutory footing; however this situation will be reviewed in this regard at a later stage when the operational capacity of the new arrangements can be better assessed. These administrative proposals are based upon the April 2008 recommendations of the Commission for the Support of Victims of Crime Framework Document “Recommendations for future structures and services for victims of crime”.

72	We will protect the identities of witnesses and victims at identification parades through the installation of one-way glass in Garda stations
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Progress Report Update:

The Garda authorities are currently examining a more modern electronic video identification based system that would replace the traditional “parade” identification methods. This new approach is seen as more user-friendly and less threatening to the witness / injured party.

73	We will re-instate the Criminal Injuries Compensation Board so that the victims of violent and sexual crime receive compensation for their injuries
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Progress Report Update:

A new Criminal Injuries Compensation Tribunal was appointed in September, 2007. The Criminal Injuries Compensation Scheme provides an accessible and independent means by which the victims of violent crime can receive financial compensation for any out of pocket expenses arising as a result of that crime, including loss of earnings and vouched medical expenses.

74	We will introduce a right for the State to recover from the perpetrators of crime the amount paid out by the Criminal Injuries Compensation Board in respect of that crime. The procedure for this recovery will be streamlined, including by way of permitting the sentencing judge to make an order directly against the perpetrator, rather than the State necessarily being required to launch a separated civil suit
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Progress Report Update:

It is the Ministers intention to pursue this objective over the course of his term of office and against the backdrop of a range of complementary measures to improve supports for the victims of crime.

75	We will ensure that an accused who can afford to defend him/herself does not obtain legal aid by requiring those seeking legal aid to complete a statutory declaration prior to attending court. Supplying inaccurate or untruthful information will be an offence punishable with a fine and/or imprisonment
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Progress Report Update:

The Department, in consultation with the Courts Service, is currently reviewing the statutory provisions governing the granting of criminal legal aid. The review is due for completion later this year.

76	We will establish a Domestic Violence Prevention Office which will provide a unified service for victims of domestic abuse and will incorporate legal advice, counselling, court accompaniment, protection and welfare services
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Progress Report Update:

The Government's commitment to tackling domestic violence is reflected in the establishment in June, 2007 of Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. Cosc's key responsibility is to ensure the delivery of a well co-ordinated "whole of Government" response to domestic, sexual and gender-based violence. Cosc's major priority is to produce a National Strategy on Domestic, Sexual and Gender-based Violence which has the support of State and non-government organisations in the sector. This Strategy will set out the policy on addressing domestic and sexual violence, and the preventative and responsive actions to be taken by the broad ranging organisations to ensure a well co-ordinated system. Work on preparing the Strategy has commenced including the publication in April, 2008 of a call for submissions in the national newspapers, a

successful international conference on domestic violence held in Waterford Institute of Technology at the end of May, 2008 and mapping of relevant services currently available in Ireland. The preparation of the Strategy is being carried out in partnership with the relevant State and non-governmental organisations. The commitment in the Programme for Government for the establishment of an office providing a unified service incorporating legal advice, counselling and other services is being addressed in the context of the National Strategy.

77	We will set up a Domestic Violence Fund under which we will increase the number of refuge spaces and will provide that each Garda region will have a team extensively trained in the area of domestic violence
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Progress Report Update:

As part of its remit Cosc facilitates the development of strategies and services in relation to domestic, sexual and gender-based violence in line with best international practice. This involves mapping current service standards as well as sourcing, disseminating and, in due course, facilitating the implementation of best practice in relation to the services.

With the aim of progressing its interagency work on health and housing issues, Cosc has established a committee which comprises senior representatives from Cosc, the Health Service Executive and the Departments of Health and Children and Environment, Heritage and Local Government. The involvement of these organisations is important as the provision of refuge accommodation can be funded through the Department of Environment, Heritage and Local Government's voluntary housing programme while the Health Service Executive provides funding for the staffing of the refuges.

The Committee has agreed that the first steps in addressing the adequacy of safe accommodation provision is to conduct an assessment of the current system and to develop a needs assessment system informed by the National Housing Policy and policy to be included in the National Strategy on Domestic and Sexual Violence. The outcomes of this assessment and consultation work will inform decisions on any increase in the number of refuge spaces.

78	We will expand the mechanism by which sexual offenders are monitored after their release from prison, including by the expansion of resources to the Probation Service and the Garda Vetting Unit
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Progress Report Update:

The management of sex offenders is being reviewed to establish what may require to be done to best protect public safety in this jurisdiction. Any legislative or administrative proposals will be published in due course. The Probation Service has established a specialist team, based in Dublin, to address the supervision and management of sex offenders and other high risk offenders. In order to meet the increased demand for vetting services since 2008 the Garda Central Vetting Unit (GCVU) has been in receipt of very significant additional resources. In particular, the human resources allocation to the GCVU has increased from 13 originally to its current level of 60, with new personnel joining the Unit in each of the first three months of this year.

79	We will ensure that persons who are the subject of Sex Offenders Orders will be actively monitored and where State agencies are concerned about the behaviour of a particular offender, An Garda Síochána will have the power to apply to Court for orders restraining released offenders from visiting certain places or approaching certain people. Gardaí will also have the power to require individual sex offenders to provide specific information about their movements and activities, over and above that generally required from all offenders
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Progress Report Update:

The Sex Offenders Act, 2001 was enacted on 30 June, 2001 and contains a comprehensive series of provisions aimed at protecting children and other vulnerable persons against sexual abuse and attack, and provides the Garda Síochána with the power to apply to the court to prohibit convicted sex offenders from going to certain places or doing certain things. The Act came into operation on 27 September, 2001. The legislation is at present being reviewed to see if it can be improved.

The Act sets out the obligations on persons convicted of a range of sexual offences, making them subject to notification requirements under Part 2 of the Act. The provisions of the Act also extend to any sex offenders who enter the State.

This commitment is already being implemented to a significant degree. The Garda Síochána have arrangements in place for the active monitoring of all convicted sex offenders who are obliged to notify the Gardaí of their address. If a particular convicted sex offender gives rise to concerns, the Gardaí can apply to the court to prohibit that offender from going to certain places and doing certain things.

A detailed review of the management of sex offenders has been initiated with view to strengthening the existing administrative and legal provisions even further and facilitating closer co-operation between the State agencies involved, including the Garda Síochána, the Irish Prison Service and the Probation Service. A paper on the matter will be published in the coming months. Should they arise, child protection issues are raised with the health authorities, as set out in the Children First guidelines

80	We will provide an entitlement to free, full separate legal advice, assistance and representation to complainants in cases of sexual violence
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Progress Report Update:

The Legal Aid Board provides legal advice to complainants in a prosecution for a defined range of categories of sexual assault, including rape. A means test had applied in respect of access to this service. This was removed by means of an amendment in the Civil Law (Miscellaneous Provisions) Act 2008. In addition, legal representation in Court is also available to a complainant in certain sexual assault cases where the prior sexual history of the complainant is being raised by the accused person.

81	We will create a new offence of supplying and administering “date rape” drugs
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Progress Report Update:

This matter is being considered in the context of the current provision of the Non-Fatal Offences Against the Person Act 1997.

82	We will introduce tougher penalties for trafficking, ensure greater prosecution of traffickers and improve support services for their victims, particularly for those who are the victims of sexual exploitation
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Progress Report Update:

Penalties of up to life imprisonment for trafficking in human beings have been provided for in sections of the Criminal Law (Human Trafficking) Act 2008 where trafficking occurs for the purposes of labour, sexual exploitation or removal of organs. Penalties of up to life imprisonment also apply in relation to the sale or offer, for sale or purchase, or offer of purchase for any of these reasons.

Under Section 5 of the Act it is an offence for a person to solicit services from a trafficked person where the person soliciting knows that the person has been trafficked. The soliciting can take place anywhere – in public or in private.

Section 13 of the Act, provides for amendments to the Sex Offenders Act 2001. An important amendment raises the maximum penalty for non-compliance with the notification obligations in the Act, which are more commonly known as the sex offenders register. Failure by a person so obliged to notify the Garda of his or her address is an offence with a maximum penalty on summary conviction of a fine of €1,905 and 12 months imprisonment.

The provision of support services is being addressed as follows:

The **Immigration, Residence and Protection Bill** is currently at Committee stage in the Dáil. Section 124 of the Bill, provides for a period of recovery and reflection of 45 days in the State for alleged victims of trafficking and also, in circumstances where the person trafficked wishes to assist the Gardaí in any investigation or prosecution in relation to the alleged trafficking, a further six months period of residence, renewable, to enable him or her to do so. An administrative framework broadly reflecting the provisions in the Bill, was introduced on 7 June to provide for the period of recovery, reflection and residency in the State until the full enactment of the provisions of the Immigration, Residency and Protection Bill.

National Action Plan - The Minister for Justice, Equality and Law Reform has set up a High Level Group which will have responsibility for developing policy in order to combat trafficking in persons. The High Level Group will approve a draft of the National Action Plan, which is currently being prepared, before it is submitted to the Minister for approval at the end of the year. It will have a strong focus on preventing trafficking becoming a major issue in Ireland. Addressing other victim protection issues provided for in international instruments will be part of the Plan.

83	We will provide for the forfeiture of all material gains from the production, sale and distribution of illegal pornography
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Progress Report Update:

This commitment is being considered in the context of the provisions of the Proceeds of crime Act 1996 as amended.

84	We will ensure that all sexual offenders are assessed before their release from prison to identify the level of supervision and regulation needed
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Progress Report Update:

See response at 78 above.

85	We will introduce a Sexual Offences Bill which will consolidate and modernise all criminal law in the area of sexual offences in a manner which is clear, unambiguous and uncompromising in its objectives of protecting victims – particularly children – from sexual crime and punishing the perpetrators of such crime
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Progress Report Update:

A Criminal Law (Sexual Offences) Bill is at advanced stage of preparation. Legislation will also likely be required on foot of recommendations from the Joint Committee on the Constitutional Amendment on children. When these items of legislation are enacted, the question of consolidating the law on sexual offences will be addressed.

86	We will ratify the UN Convention for the Suppression of the Trafficking in Persons of the Exploitation and of the Prostitution of others
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Progress Report Update:

The Criminal Law (Human Trafficking) Act 2008 is enacted.

We intend to have arrangements in place to fulfil all of our international obligations by May/June 2009 which will then enable us to ratify the Council of Europe Convention on Action Against Trafficking in Human Beings and the Protocol to the UN Convention Against Transnational Organised Crime.

87	We will provide additional staff and resources to the British Irish Secretariat to improve monitoring of sectarian incidents throughout the North and improve liaison with the PSNI
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Progress Report Update:

This Department now has two senior officials attached full-time to the Secretariat.

An Garda Síochána co-operates and liaises with the Police Service of Northern Ireland (PSNI) across a wide range of policing areas, on both an institutional and a personal level. The Department continues to facilitate and seek to improve such liaison - for example, on the management of sex offenders by using Criminal Justice Co-operation structures - wherever necessary.

88	We will monitor the full implementation of the Patten Reforms, press for increased Garda-PSNI co-operation including common police training where appropriate and provide continued support for the work of the Police Ombudsman
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Progress Report Update:

Exchanges - Exchanges commenced in the administrative areas e.g. HR and training and were extended in to the areas of fingerprints, traffic, drugs, serious crime, discipline, immigration, IT / telecom and change management in 2006.

Exchanges are now taking place in operational areas at District and Divisional level particularly in border regions where the development of understanding and networks between north and south could be most beneficial. This second phase of the exchange programme will be targeted at fostering positive working relations between An Garda Síochána and the PSNI where they are working in close geographical proximity. The programme will be expanded to the rest of the organisation over 2008.

Training and education exchanges have also taken place between the Garda College and the PSNI in a number of areas including: exchange of Teacher/Trainers; Senior Investigation Officers Course; Public Order Training; Firearms Instructors Course; and a joint Diversity Training programme took place involving personnel in the Border Division and the PSNI personnel.

Secondments - Following the successful and positive experiences in relation to Personnel Exchanges, the Garda Commissioner and the Chief Constable are now in a position to proceed with secondments and will shortly invite applications at Superintendent rank.

Lateral Entry - Regulations have been prepared which would allow PSNI officers to compete for posts at Superintendent and higher ranks. The draft Regulations have been sent to the Garda representative associations as part of the consultative process. The provision is a reciprocal one and the PSNI have already invited applications from members of An Garda Síochána to posts at Superintendent level and above.

89	We will prioritise effective enforcement of (a) Criminal Justice (United Nations Convention Against Torture) Act 2000 and (b) the Geneva Conventions Acts 1962-1998. To that end we will encourage and support An Garda Síochána in the investigation and enforcement of these Statutes. We will do so by making resources available for specialised training in the provisions of those Statutes to members of An Garda Síochána and by other means as may be required by An Garda Síochána in order to ensure effective protection for the dignity of all persons within or passing through the State and we will ensure that all relevant legal instruments are used so that the practice of extraordinary rendition does not occur in this State in any form
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Progress Report Update:

A key part of this commitment relates to human rights training for An Garda Síochána. There have been very significant recent developments in this regard including the following:

- a guide to the ECHR Act 2003 has been prepared, in consultation with the ICCL, and distributed to each member of the Force, outlining the key principles of human rights obligations as they apply to operational policing;
- new members of the Force make a declaration of the need to have regard for human rights in carrying out their duties;
- a ‘first steps’ training programme in human rights has been developed and is operational for Garda trainers;
- human rights training has been integrated into the student/probationer education and training programme;
- there is a human rights module in the sergeant and inspector development courses and human rights training has been provided to senior Garda management of the rank of Chief Superintendent and above.

The Garda authorities have confirmed that the Force has the operational capacity to act on any credible information with regard to extraordinary rendition. Its training and search capabilities in this regard are kept under constant review in order to ensure they remain of the highest standard.

The Criminal Law Reform Division of the Justice Department are working on the Optional protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

90	We will implement comprehensive reform of the legislation governing Tribunals of Inquiry so that all future Tribunals operate in accordance with modern and efficient management practices, with focused terms of reference and in a manner which ensures that the costs and duration of Tribunals are known and controlled
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Progress Report Update:

The Tribunals of Inquiry Bill 2005 has commenced Second Stage in the Dáil. The purpose of the Bill is to provide for a comprehensive reform and consolidation of the current legislation relating to tribunals of inquiry, dating from 1921, and to put in place a modern comprehensive statutory framework governing all aspects of the operation of a tribunal, from the time of its establishment to the publication of its final report. It will require the chairperson to conduct the inquiry in a cost effective and efficient manner. The Bill implements in large part the recommendations contained in the Law Reform Commission's final report on Public Inquiries including Tribunals of Inquiry published in May 2005, particularly those relating to the more efficient management and operation of inquiries.

91	We will act, as appropriate, on the findings of all Tribunals which have yet to report
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Progress Report Update:

The *Smithwick Tribunal of Inquiry* is in the investigative phase at present. It intends to begin public hearings next year. Its findings will not be available until after it has concluded its public hearings.

Douch Commission of Investigation – It is not possible to give a definitive date as to when the Commission will make its final findings on this matter.

Commission of Investigation into the handling of allegations of child sexual abuse against clergy operating under the aegis of the Archdiocese of Dublin - on 28 March 2006, the Government made an Order establishing the Dublin Archdiocese Commission of Investigation, approved the membership of the Commission and approved the final terms of reference and statement of costs of the Commission with a time frame for reporting. The Commission, chaired by Judge Yvonne Murphy of the Circuit Court, is investigating the handling of allegations or complaints of child sexual abuse made against clergy operating under the aegis of the Catholic Archdiocese of Dublin and the response to such cases, as well as the handling of cases where there was knowledge or concern regarding sexual abuse. The Commission will also investigate the position in any Catholic diocese in the State, following a notification from the Minister for Children that that diocese may not be implementing Church guidelines in relation to child sexual abuse by a priest or religious, or a notification that a diocese may not be implementing satisfactorily the recommendations of the Ferns report. Following Government approval for an extension of its term, it is envisaged that the Commission will submit a full and final report to the Minister by end January 2009. Provision has been made in the Department's Vote to meet the Commission's costs, which are projected at €6.27

million over the full extended term. Assistance has also been given to One in Four to assist witnesses appearing before the Commission.

Position regarding the Morris Tribunal - the Tribunal has completed its oral hearings in relation to all modules. It has produced six reports to date. The most recent was published in May of this year. Two reports remain to be completed and the Tribunal expects to present them to the Minister in September. These reports will deal with allegations that senior Garda Officers acted with impropriety and allegations of ongoing harassment of the McBreartys and their extended family and how their complaints to the Garda Síochána Complaints Board were dealt with. The provisions of the Garda Síochána Act 2005, subsequent regulations and the speed with which these reforms have been implemented are indicative of the level of commitment the Government, the Minister and the Commissioner attach to the reports of the Morris Tribunal.

92	We will legislate for Civil Partnerships, taking account of the options paper prepared by the Colley Group and the pending Supreme Court case, at the earliest possible date in the lifetime of the Government.
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Progress Report Update:

Heads of the Civil Partnership Bill have been drafted and approved by Government for formal drafting as a Bill. The Heads were published on 24 June 2008. The Bill is expected to be published around the end of 2008.