



An Roinn Dlí agus Cirt
agus Comhionannais
Department of Justice
and Equality

Public Sector Duty Equality and Human Rights Assessments



Our Vision

A safe, fair and inclusive Ireland

Our Mission:

Working together to advance community and national security, promote justice and equality and safeguard human rights.

Our Values



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1. Civil Governance Unit

Brief Description of Work	Public Sector Duty Issue
<p>Management of the Department's Governance relationship with its Agencies</p> <p>Supporting the Department's line Divisions in developing and maintaining effective Governance arrangements with the agencies they are responsible for.</p> <p>Managing and developing good governance relationships with specific agencies for which the Division is responsible:</p> <p>Irish Film Classification Office Property Services Regulatory Authority Data Protection Commission Insolvency Service of Ireland Legal Aid Board Garda Síochána Ombudsman Commission (GSOC)</p>	<p>Ensure that effective Governance/Oversight arrangements are agreed, with due regard to the public sector duty obligations, between the Department and the Agencies under its remit in compliance with the requirements of the D/PER Code of Practice for the Governance of State Bodies (2016).</p>
<p>Extent to which Human Rights concerns this Work</p> <p>The Civil Governance Unit ensures that due regard is given to the requirement for non-discrimination in the recruitment of Board members particularly in relation to gender balance. The PAS State Boards recruitment process is utilised for the filling of any such vacancies that arise in bodies under the Unit's aegis. In keeping with Government policy on gender balance on State Boards (a minimum of 40% of each gender), PAS consistently monitors the gender balance throughout the appointments process. The Civil Governance Unit is cognisant of the Department's duty to promote equality of opportunity and treatment of its staff and the persons to whom it provides services. The Civil Governance Unit strives to carry out its work in line with all public sector statutory requirements and international obligations.</p>	
<p>Measures in place to ensure public sector duty met</p> <p>The Civil Governance Unit maintains an ongoing process of communication and liaison with its stakeholder agencies in relation to effective governance arrangements including building awareness and understanding of public sector duty obligations.</p>	

Oversight/Assurance Agreements between the Department and its agencies now include a specific reference to the public sector duty arising pursuant to Section 42 Irish Human Rights and Equality Commission Act, 2014.

Planned measures to mitigate potential gaps.

The Civil Governance Unit will continue to contribute to the Department's development of policies in relation to its Public Sector Duty in the sphere of human rights and equality.

2. Chief Information Office

Brief Description of Work	Public Sector Duty Issue
<p>The Chief Information Office is responsible for the following:</p> <p>Dissemination of publically available statistical information across the Department</p> <p>Establishment of the Criminal Justice Operational Hub (CJOH).</p> <p>Developing a research capacity within the Department</p> <p>Providing specialist skills such as evaluation and data analysis to different divisions across the Department.</p>	<p>None of which we are aware</p>
<p>Extent to which Human Rights concerns this work</p> <p>The Division currently has no substantial interactions with the public in its day-to-day work.</p>	
<p>Measures in place to ensure public sector duty met</p> <p>N/A</p>	
<p>Gap in coverage</p> <p>None of which we are aware</p>	
<p>Planned measures to mitigate gaps</p> <p>The CIO will continue to contribute, where possible, to the Department's development of policies in relation to its Public Service Duty in the sphere of human rights.</p>	

3. Corporate Services Division

Brief Description of Work	Public Sector Duty Issue
<p>The Corporate Services area covers a diverse range of activities:</p> <p>Facilities Management – providing support services ensuring that the Department’s buildings operate effectively and efficiently</p> <p>Information Access Unit – responsible for ensuring that all FoI & AIE requests are processed in accordance with the relevant legislation. Also responsible for the Customer Service Action Plan and Charter. Governance role in respect of the Criminal Injuries Compensation Tribunal.</p> <p>Irish Language Translator – translation of the Rules of Court, correspondence and other documentation</p> <p>Health and Safety Unit – provides guidance and advice to the Dept. and associated agencies on H&S matters.</p> <p>Criminal Injuries Compensation Tribunal – administration of Scheme of Compensation for Personal Injuries inflicted and the of Scheme of Compensation for Personal Injuries inflicted on Prison Officers</p>	<p>Building access and appropriate accommodation for all (provision covered by Disability Act 2005)</p> <p>Customer Service Action Plan published (focussed mainly on external customers)</p> <p>N/A</p> <p>Safety Health & Welfare at Work Acts refer</p> <p>Non statutory scheme External Customers</p>
<p>Extent to which Human Rights concerns this work</p> <p>The Division ensures that all of its customers, internal and external, are treated equally in keeping with our commitments outlined in the Customer Service Action Plan.</p>	

The Criminal Injuries Compensation Tribunal administers the Scheme in accordance with national and international regulations.

Measures in place to ensure public sector duty met

Where applicable, we consult with external and internal stakeholders when developing policy documents e.g. Customer Service Action Plan and Charter

Gaps in coverage

CICT Scheme needs formal procedures to include addressing S42
Awareness training element – link to our Culture and Values Charter

Planned measures to mitigate gaps

Customer Service Action Plan and Charter have been revised. Reference to Public Service Duty is included in the Plan for 2019 – 2021
CICT review scheduled to address a legislative basis and scheme limitations. S42 proofing to be included in scope.

4. ICT Division

Brief Description of Work	Public Sector Duty Issue
<p>Provision of ICT services, hardware and software to users of the DJE ICT shared service (all of the Department plus a number of agencies). Services include development of business systems and the provision of customer service (including a dedicated helpdesk).</p>	<p>Ensuring equality of opportunity to all our customers for availing of the ICT services provided.</p>
<p>Extent to which Human Rights concerns this work</p> <p>Human rights concerns are very low in the context of the full extent of ICT services provided and are all related to non-discrimination in respect of the small proportion of staff who have disabilities of varying degrees.</p>	
<p>Measures in place to ensure public sector duty met</p> <p>Providing staff with assistive technology when requested by the Department's Disability Liaison Officer or by line managers. This includes services such as magnifying software and specialised screens for staff with visual disabilities; providing ergonomic mice or specialised keyboards and ensuring access for all to the ICT helpdesk.</p> <p>Ensuring that all business applications developed by the division are developed in accordance with the accessibility standards set out by the National Disability Authority.</p>	
<p>Gaps in coverage</p> <p>None of which the Division is aware.</p>	
<p>Planned measures to mitigate gaps</p> <p>ICT will continue to contribute, where possible, to the Department's development of policies in relation to its Public Service Duty in the sphere of human rights.</p>	

5. Internal Audit Unit

Brief Description of Work	Public Sector Duty Issue
<p>The Audit Unit provides assurance to the Accounting Officer that there are effective governance, risk management and controls in place across Vote 24 (Justice and Equality) and Vote 21 (Irish Prison Service) .</p> <p>The Unit reports to an Audit Committee made up of 5 members, 4 of which are external to the Department.</p> <p>An audit plan is created for each year. The audits are carried out throughout the year. The reports are sent to the relevant manager Audit Committee , and the Management Board</p> <p>Audits are carried out throughout the year to provide assurance that there are effective controls in place.</p> <p>Some audits will be carried out internally and others will be carried out in the Prison Service or in funded bodies.</p>	<p>We will comply with regulations set out in the Disability act 2005.</p>
<p>Extent to which Human Rights concerns this work</p> <p>The Unit ensures that all of its customers, internal and external, are treated equally in keeping with our commitments of the Department of Justice and Equality and the Irish Prison Service.</p>	
<p>Measures in place to ensure public sector duty met</p> <p>We carry out our work in line with commitments made by the Department and also in line with the standards set out by the Chartered Institute of Internal Auditors</p>	
<p>Gaps in coverage</p> <p>None</p>	
<p>Planned measures to mitigate gaps</p> <p>None, we will abide with commitments made by the Department of Justice and Equality in relation to</p>	

6. HQ Financial Management Unit

Brief Description of Work	Public Sector Duty Issue
<p>The HQ Financial Management Unit are primarily responsible for the provision of financial management services within the Department of Justice and Equality and its aegis bodies. For the most part, this relates to Vote 24 only.</p> <p>The key areas of responsibility for the HQFMU are as follows:</p> <p>Budget Management: The unit is responsible for allocating and monitoring annual divisional budgets across the Department. This includes statutory bodies who receive funding from the Department.</p> <p>Capital Project Management: HQFMU provide oversight of capital programme expenditure for the Justice Vote and the wider Justice Sector.</p> <p>Monitor the implementation of Comptroller and Auditor General Recommendations and Implementing Internal Audit recommendations</p> <p>Management of Grant Funding: The HQFMU provide oversight in the management of grants.</p> <p>Monthly Monitoring of Income and Expenditure.</p> <p>Oversight of Bank Accounts and petty cash: Intermediate Body for the European Union Social Funds.</p> <p>Financial Management Systems: HQFMU is responsible for managing the implementation of financial systems in the Department.</p>	<p>Provision of budget management information to Divisions Offices and Agencies in order to maintain control over the public finances provided under Vote 24 primarily and to provide governance, monitoring and reporting of Capital budgets in the Justice group votes.</p> <p>Provide oversight of the management and control of the financial operations of the Department and publish information (financial) considered to be of public interest e.g. Appropriation Accounts, Public Spending Code, Quality Assurance reports and Parliamentary Questions, FOI requests etc.</p>
<p>Extent to which Human Rights concerns this work</p> <p>The Division ensures that all of its customers, internal and external, are treated equally in keeping with our commitments outlined in the Customer Service Action Plan.</p>	
<p>Measures in place to ensure public sector duty met</p>	

Where applicable, we consult with external and internal stakeholders when developing policy documents e.g. Credit card policy, Grant Funding policy, Fixed Assets policy etc.

Gaps in coverage - None

Planned measures to mitigate gaps - None

7. Financial Shared Services (FSS)

Brief Description of Work	Public Sector Duty Issue
<p>The Financial Shared Services (FSS) Centre operated by the Department of Justice and Equality in Killarney provides, invoice processing and a range of other financial services for a number of Government Departments and Offices. The existing customer base comprises:</p> <ul style="list-style-type: none"> • The Department of the Taoiseach. • The Department of Culture, Heritage and the Gaeltacht. • The Department of Justice and Equality. • An Garda Síochána. • The Irish Prison Service. • The Courts Service. • The Property Registration Authority. • The National Museum of Ireland. • Policing Authority. • The Department of Rural and community Development (since 1st January 2018). <p>There are currently 103 staff located in the Departments Office in Killarney. The current client base of the Killarney FSS are due to transfer to the new shared services centre during 2019/2020. The majority of the staff currently working in the Departments Financial Shared Services Centre in Killarney will also</p>	<p>Ensure that services are provided to the client organisations in line with Service Level Agreements and in accordance with Government Accounting processes and procedures.</p> <p>As the entity responsible for the building in Deerpark, Killarney which we share with the National Shared Services Office (approximately 225 staff in total), the FSS has responsibilities in relation to</p> <ul style="list-style-type: none"> - building access and appropriate accommodation for all (provision covered by Disability Act 2005) - Safety Health & Welfare at Work Acts

transfer to the new shared service during 2019/20.	
<p>Extent to which Human Rights concerns this Work</p> <ul style="list-style-type: none"> • The FSS ensures that all of its customers, internal and external, are treated equally in keeping with our commitments outlined in the Service Level Agreements. • The FSS has a duty to promote equality of opportunity and treatment of its staff and the client organisations to whom it provides services. 	
<p>Measures in place to ensure public sector duty met</p> <p>The FSS maintains an ongoing process of communication and liaison with its client organisations in relation to effective service delivery. It also ensures that there is active communication with staff in relation to the upcoming transfer to a new Government agency (i.e. National Shared Services Office)</p>	
<p>Planned measures to mitigate potential gaps.</p> <p>The FSS will continue to contribute, where possible, to the Department's development of policies in relation to its Public Service Duty in the sphere of human rights.</p>	

8. Data Protection Support and Compliance Office (DPSC Office)

Brief Description of Work	Public Sector Duty Issue
<p>The DPSC Office is responsible for:</p> <p>The implementation of all phases of the DJE General Data Protection Regulation (GDPR) Project Plan to identify and catalogue all Personal Data held in the Department, in terms of DJE's purpose and legal basis for holding, categories of data held, details of data sharing arrangements, security measures in place and duration of retention of the data.</p> <p>Developing contracts (Controller/Processor; Joint Controller) and Data Sharing Agreements to meet the data protection provisions set out in the legislation.</p> <p>Raising DJE staff awareness of the impact of EU and National legislation on their work with personal data.</p> <p>Ensuring data subjects' rights in relation to their personal data are complied with by DJE and following up on any breaches of personal data.</p> <p>Work with ICT and the OGCIO to progress technical deployment and testing of the e-Docs in</p>	<p>Phase 1 on structured data is almost complete. Phase 2 on unstructured data will be undertaken in conjunction with e-Docs implementation. Phase 3 relates to paper records and work on this Phase is about to commence</p> <p>A number of contracts are in place and outstanding contracts are being put in place.</p> <p>A number of workshops and presentations have been undertaken. Portal messages directed at staff along with features in staff newsletters and other articles have been published. Policies and guidelines have been developed.</p> <p>1 month response time to data subject access requests.</p> <p>Duty to correct, erase, etc. the personal data held on request of Data Subject. Investigation of personal data breaches and follow up action.</p> <p>Roll out e-Docs (document management system) across the Department having regard to the Department's transformation programme.</p>

the DJE environment to enable the rollout of e-Docs in 3 pilot areas before extending to Divisions engaged in transformation.	
<p>Extent to which Human Rights concerns this work</p> <p>Fair and transparent processing of personal data held by a public body is considered a human right. Personal data is personal and needs to be protected as misuse can adversely affect the person. As a Department, we strive to respect and manage customers' personal data as if it were our own.</p>	
<p>Measures in place to ensure public sector duty met</p> <p>Significant work is being undertaken to identify what personal data is retained in the Department, its purpose, how long it needs to be kept and what arrangements are in place to destroy or archive</p> <p>Personal Data which is no longer necessary to retain is earmarked for National Archives Appraisal prior to destruction.</p> <p>A Data Protection Page has been added to the DJE website. The name and contact details for DJE's Data Protection Officer has been posted there, as well as a summary of the rights of 'Data Subjects', a downloadable copy of DJE's Data Protection Policy and details on how data subjects can exercise their rights to access their data – with a Subject Access Request Form.</p> <p>A DJE internal data breach notification procedure has been introduced to allow the DPO to identify where reporting to the Data Protection Officer and/or the data subject is required.</p> <p>Awareness raising measures have been undertaken for DJE staff including e-learning training for all staff and a poster campaign</p>	
<p>Gaps in coverage</p> <p>Work on the cataloguing of personal data is ongoing – Paper files in particular require to be reviewed and catalogued for GDPR purposes.</p>	
<p>Planned measures to mitigate gaps</p> <p>Completion of the work on identifying and cataloguing personal data</p> <p>Further policies and website updates needed</p>	

9. Corporate Secretariat Division

Corporate Secretariat Division – assessment under Section 42 Irish Human Rights and Equality Commission Act, 2014	
Brief Description of Work	Public Sector Duty Issue
<p>Corporate Secretariat is responsible for the following:</p> <p>Administrative and staffing support to the Minister and Minister of State through their Private Secretaries and other staff.</p> <p>Press Office</p> <p>Correspondence Unit including Ministers hotline for members of the public.</p> <p>Support functions to key processes such as answering parliamentary questions and brining memorandums for Government to Cabinet.</p>	<p>Ensuring that all interactions with the Division either in person, in writing, by email, or by phone have respect for eliminating discrimination, promoting equality and protecting human rights.</p>
<p>Extent to which Human Rights concerns this work</p> <p>As the Division has substantial interactions with the public in its day-to-day work, respecting human rights is a key element.</p>	
<p>Measures in place to ensure public sector duty met</p> <p>Specialised customer service and suicide awareness training was provided to staff. Both new and existing staff are encouraged to take the refresher training which is made available by HR Division on a regular basis.</p> <p>Staff are encouraged to undertake training in Human</p> <p>Local staff training and inductions emphasize the importance of respecting human rights and having regarding to our Public Sector duty in all dealings with both members of the</p>	

public and other staff. The Unit has regular team meetings at which the HEO emphasises the importance of respecting all callers and in particular those which identify as being from a minority community or one which is known to be subject to discrimination more generally in society.

Staff are asked to adhere to the Customer Service Charter and Action Plan.

Gaps in coverage

While gaps have not been identified, it is considered that a continuous awareness of public service duty should be promoted among staff.

Planned measures to mitigate gaps

Yes it is intended to update an existing protocol on handling phonecalls to reflect more specifically this public sector duty obligation.

10. Criminal Law Reform - Incitement to Hatred review & Communications (Retention of Data) Bill review

<p>Brief description of work</p>	<p>Criminal Law Reform Division is principally responsible for drawing up legislative proposals for approval by Government. Other work includes representing the State before international bodies. Two projects currently being undertaken in the Division, which illustrate the way in which human rights and equality considerations affect the work of the Division, are outlined below.</p> <p><u>Incitement to Hatred review</u></p> <p>The Division is currently undertaking a review into the Prohibition of Incitement to Hatred Act 1998. The review will consider whether the legislation in place to counter “hate speech” is fit for purpose.</p> <p><u>Communications (Retention of Data) Bill</u></p> <p>The Division is also preparing the Communications (Retention of Data) Bill. The Bill will amend the Communications (Retention of Data) Act 2011 to take account of recent judgments of the European Court of Justice.</p>
<p>Extent to which human rights and equality concerns affect this work</p>	<p>The purpose of criminal justice legislation is to protect the rights of individuals, such as their right to life and property, but it also by necessity entails some limitations on human rights. In addition, legislation may be developed which puts in place positive rights, such as legislation on the victims of crime.</p> <p><u>Incitement to Hatred review</u></p> <p>The purpose of incitement to hatred legislation, and any legislation concerning hate crimes more broadly, is to protect the rights of minorities and other vulnerable groups and promote their inclusion in society. The review must take into account this objective, while having regard to the</p>

	<p>counterbalancing need to protect freedom of expression, and the rights of defendants in criminal proceedings.</p> <p><u>Communications (Retention of Data) Bill</u></p> <p>The Bill must balance, on the one hand, the right to privacy of the individuals concerned, and on the other, the public interest in the prevention, detection, investigation and prosecution of crime.</p>
<p>Measures in place to ensure public sector duty is in place</p>	<p>Legislative proposals are scrutinised by the Office of the Attorney General for compliance with the Constitution and the ECHR, as well as other applicable international instruments. The Division also prepares legislation which has as its purpose the implementation of international instruments (such as OPCAT) relating to human rights and equality. The Division consults IHREC on legislative proposals which are considered to have particular human rights or equality implications, and IHREC may comment on General Schemes of Bills, which are published on the Department's website. Regular meetings are held between IHREC and the Department where IHREC is informed of upcoming legislation. The pre-legislative scrutiny process also allows interested bodies to have input into the legislation. The following illustrates the measures taken in relation to the two illustrative examples.</p> <p><u>Incitement to Hatred review</u></p> <p>The following measures are being used to ensure that the public sector duty is in place:</p> <p>Reports- such as the ICCL "Report on the Lifecycle of a Hate Crime"- and other relevant research are taken into account.</p> <p>Comparative research – research into the laws criminalising hate speech in other jurisdiction is being undertaken to compare how the relevant rights are balanced in other jurisdictions.</p> <p>Any recommendations arising from the report are likely to be the subject of legal advice from the AGO.</p> <p><u>Communications (Retention of Data) Bill</u></p>

	<p>The following measures are being used to ensure that the public sector duty is in place:</p> <p>The AGO has advised on the measures to be included in the Bill in order to comply with the fundamental rights concerns raised by the ECJ judgments. These include targeted retention of data and a requirement for judicial authorisation for disclosure of retained data.</p> <p>The Bill was also subject to pre-legislative scrutiny, at which privacy rights groups made submissions.</p>
Identified gaps in coverage	There may be scope to formally consider and document the section 42 duty within the work of the Division.
Planned measures to mitigate gaps	Possible system to formally consider the section 42 Public Sector duty within the work of the Division could be considered. In the case of broader law reform projects, this could be explicitly included as part of the review. In the case of Bills, this could form part of the RIA.

11. Prisons and Probation Policy Division

Brief description of work	<p>This Division has responsibility for Penal policy and oversight which involves the strategic development of penal policy, the implementation of penal reform and the provision of advice to the Minister.</p> <p>Overall governance and compliance issues in relation to the Irish Prisons Service and Probation Service which are key agencies within the criminal justice system.</p> <p>A governance and compliance role in relation to the Office of the State Pathologist.</p> <p>The administration of the Magdalen Restorative Justice Ex Gratia Scheme.</p>
Extent to which human rights and equality concerns affect this work	<p>Human rights and equality issues are the core work of the Prisons and Probation Policy Division of the Department. Many of the issues are similar to those involved in the work of the Irish Prison Service and the Probation Service.</p> <p>In its policy and oversight functions, the Department has a role to play in ensuring that the conditions of detention for prisoners conform to national and international human rights standards, and that the dignity and rights of service users in the Probation Service are respected.</p> <p>In its governance role, the Division has a role in ensuring that the Probation Service has appropriate measures in place to progress a human rights and equality programme of work in line with section 42 IHREC Act 2014.</p> <p>In administering the Magdalen Scheme which involves dealing directly with members of the public who may be vulnerable, special regard is given to their rights to privacy and autonomy.</p> <p>The Division also has responsibility for the Office of the State Pathologist which carries out its work in a manner consistent with medical ethics and respecting the dignity of the deceased.</p>

<p>Measures in place to ensure public sector duty is in place</p>	<p>In conjunction with the Probation Service and Criminal Law Reform, proposals for legislation are developed which reflect the human rights and equality principles. These are also scrutinised by the Office of the Attorney General for compliance with constitutional and ECHR rights.</p> <p>The Probation Service is in the process of implementing the public sector duty and its progress in this respect is contained in its Annual Report 2017, its Strategic Plan 2018-2020 and is listed in its Strategic Goals of its Performance Delivery Agreement which forms part of its Oversight Agreement 2018.</p> <p>All applicants to the Magdalen Restorative Justice Ex Gratia Scheme are treated with due respect and equal treatment within the terms of the Scheme.</p> <p>Full consideration and respect is given to the views of IHREC, UN Treaty monitoring bodies and Special Interest Group reports and recommendations such as from the Irish Penal Reform Trust.</p> <p>Policy and legislation (such as the Prison Rules) developed by the Division are scrutinised by the Office of the Attorney General for compliance with constitutional and ECHR rights.</p> <p>To monitor and review the implementation of the recommendations of the Penal Policy Review Group in relation to law and practice, in the area of penal policy which aims to be just, proportionate, humane with the intention to reduce reoffending behaviour.</p> <p>The Division coordinates and monitors Ireland's compliance with certain international instruments & bodies, such as UNCAT & CPT.</p> <p>To link in with national strategies such as the National Strategy for Women and Girls, National Traveller & Roma Inclusion Strategy, to review and ensure that positive duty measures are included.</p>
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	<p>To liaise with and respond to recommendations of the Inspector of Prisons regarding human rights in a policy & regulations context.</p> <p>On an operational level, the IPS and the Probation Service are in the process of implementing the public sector duty in respect of their service delivery.</p>
Identified gaps in coverage	<p>The Division (through the departmental working group) will continue to engage with IHREC and other relevant bodies such as the CPT and UNCAT in relation to the identification of specific issues and how they might best be addressed.</p> <p>To liaise and work with the IPS in the development of policy and contribute to national strategy in the area of LGBTI issues.</p> <p>To review the Prison Rules in respect of LGBTI issues & best practise.</p> <p>There may be scope to obtain data to monitor the impact of current penal policy on difference cohorts.</p>
Planned measures to mitigate gaps	<p>The Division will make this issue a standing item on the agenda for the Oversight meetings held with the Probation Service & the IPS twice yearly and the management meetings, so that developments can be monitored.</p> <p>It will also ensure that relevant measures and progress are provided in the Annual Reports, Oversight Agreements and in both general and other relevant strategy documents for both the IPS and Probation Service.</p> <p>The Division will make this issue a standing item on the agenda for the Oversight meetings held with the Office of the State Pathologist.</p> <p>Operation of the Magdalen Scheme will be kept under review to ensure it fulfils the requirements under the IHREC Act.</p>

	<p>The Division in conjunction with the IPS to include performance target measures in Governance Agreements which analyse and/or measure data, to assess the impact of policies on different cohorts, e.g. to examine whether the ethnic make-up of prisoners mirrors that of the general population and whether certain groups are more or less likely to access supports within prisons.</p>
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12. Drugs and Organised Crime

Brief Description of work	The Division's responsibilities in the area of organised crime are concerned with measures which target organised crime structures and specific types of serious criminality, often of a transnational nature, which fund the activities of organised crime groups, which include drug trafficking, people smuggling, bribery and corruption.
Extent to which Human Rights concerns affect this work	<p>From a policy development perspective, due regard must be had to human rights standards under EU, Council of Europe and United Nations Law and under the Irish Constitution. Ensuring the protection of due process for, and equitable treatment of, persons as offenders or victims of serious organised crime is central to the development of policy and legislative proposals.</p> <p>Most of the Division's work in these respects is concerned with giving effect in Ireland's domestic law, policy and practice to obligations established under international law. International law in this respect is expressly framed in support of furthering international human rights norms.</p>
Measures in place to ensure public sector duty met	<p>All policy areas for which the Division has responsibility are governed by legislation which has been rights proofed and approved by the Office of the Attorney General.</p> <p>Policy and the law relating to the Division's policy remit are kept under review on an ongoing basis, having regard to developments in the Irish courts in particular, but also in the European Court of Justice and the European Court of Human Rights. This is particularly so in the case of proceeds of crime policy and the law which has been the subject of numerous constitutional challenges in the Irish Superior Courts.</p> <p>A particular concern is to ensure that measures to tackle and deprive persons of assets which are deemed to be proceeds of crime are proportionate and take sufficient account of constitutional rights and the legitimate interests of third parties seeking the return of assets belonging to them.</p>

	<p>A number of the policy areas under the Division's remit are subject to international oversight and review mechanisms and associated reporting obligations. The Division coordinates Ireland's reporting to and participation in these review mechanisms and is responsible for reporting back in relation to recommendations arising under these mechanisms which may well include recommendations in the human rights sphere.</p> <p>Accordingly, given these ongoing reporting obligations, the areas for which the Division has responsibility are scrutinised regularly against human rights norms.</p>
Identified gaps in coverage	<p>In light of the above, concerns in relation to due regard being had to human rights standards and norms would appear to be sufficiently addressed in the Division's work with no obvious gaps identified.</p> <p>Notwithstanding the above, and having regard to developments generally within the Department in this area, there may be some benefit in human rights awareness training specific to the needs of staff working in the Crime and Security Directorate of the Department, being made available to staff. This could focus in particular on processes to be adopted with Divisions to demonstrate compliance with human rights standards and how such processes might be documented.</p>
Planned measures to mitigate gaps.	<p>See above comment in relation to human rights awareness training.</p>

13. Youth Crime Policy and Programmes Division

Brief Description of work	Management of network of Garda Youth Diversion Projects. Review of Children's Act 2001 and Youth Justice Strategy.
Extent to which Human Rights concerns affect this work	The primary focus of the work is the interests of the child. To the greatest extent possible, children who commit crime are not prosecuted, but instead participate in a voluntary programme of work in a GYDP and under JLO supervision, as necessary, to assist the child develop insights into and correct their behaviour. A reduction in crime and anti-social behaviour also protects the rights of other family members and persons living in the local community. The effectiveness of the projects in turning participants' lives around and in supporting preventative work within the community are key concerns for us.
Measures in place to ensure public sector duty met	The ongoing development of the GYDP network and service is based on the spirit of the 31 st amendment and the principles of the Childrens Act 2001.
Identified gaps in coverage	Some 4,000 children participate in GYDPs in any one year. Some 2,500 children live outside of existing project catchment areas and could benefit, were a project available in their area. Dissemination of new ways of working and new supports for local projects (e.g. various approaches to mentoring, activities centred on the child's interests (sports, outdoor activities, skills development, equine projects etc.)
Planned measures to mitigate gaps	Following a consultation process which concluded earlier this year, we have embarked on an Action Research Project (ARP) as a reform and development programme to ensure that the service is available throughout the State, and all local projects operate to the same high standard and have the same set of supports and training necessary for their work available to them The ARP will build on the significant improvements that have been brought about in recent years and is supported by engagement with the University of Limerick. It is also being informed and supported by structured consultations with young people who have participated in the GYDPs.

The GYDP Action Research Project is being undertaken with participation by GYDP stakeholders. We in partnership with the University of Limerick are working with 11 selected project locations. The action research will lead to development of a model and a set of resource material that can then be progressively disseminated to all projects in the existing network and will inform establishment of new projects. We are in the process of setting up a steering group for the project network to oversee and advise a range of best practice and reform and development issues. Section 42 of the IHREC Act 2014 could also provide a helpful context in which to frame this work and we have suggested that the GYDP reform programme could be considered as a pilot for implementation of this positive duty.

14. Cosc and Victims of Crime Office

Brief Description of work	Oversee implementation of the Second National Strategy on Domestic, Sexual and Gender-based Violence, 2016-2021. Within the terms of the Criminal Justice (Victims of Crime), Act, 2017 support the development of competent, caring and efficient services to victims of crime.
Extent to which Human Rights concerns affect this work	Coordination of Policy on these issues involves multiple human rights, including the right to bodily integrity, access to justice and the mitigation of secondary victimisation.
Measures in place to ensure public sector duty met	Continued structured monitoring of the second national strategy Continuing interaction with concerned NGOs and other stakeholders, both informally and through formal structures. Sexual violence and many cases of domestic abuse involve violent violations of the bodily integrity of the victim, and in other cases domestic abuse impacts on other fundamental rights of victims such as freedom of movement, freedom of speech, freedom to earn a livelihood and not to be subject to cruel or inhuman treatment. It is an over-riding concern of policy to uphold the rights of victims and hold perpetrators to account. Therefore, the rights of the victim and the procedural rights of the perpetrator must be constantly balanced in this work. As the capacity of human beings to invent new ways to be cruel is boundless, and as there are different contexts in which decision making occurs, it is not possible to encapsulate the ongoing balancing of rights in a simple framework, template or tick-box arrangement.
Identified gaps in coverage	Human rights perspective firmly embedded in all aspects of the work of the sections. No gaps identified
Planned measures to mitigate gaps	N/A

15. Anti – Money Laundering Policy (AML)

Brief Description of work	<p>Act as a single point of contact for the Department on all matters relating to Money Laundering and Terrorist Financing.</p> <p>Interact with various Units in the Department of Justice and Equality who are in a position to contribute to policy development in the area of Money Laundering and Terrorist Financing including Criminal Law Reform Division, Crime, Mutual Legal Assistance, etc.</p> <p>Liaise with the various sectors under the remit of the Department to assist in the identification of vulnerabilities to Money Laundering or Terrorist Financing in each of the sectors for inclusion in a National Risk Assessment.</p> <p>Assist sectors in raising awareness of the threats posed by Money Laundering and Terrorist Financing.</p> <p>Engage with other organisations in this area including the Central Bank of Ireland, Department of Finance, An Garda Síochána, Revenue Commissioners, etc.</p> <p>Coordinate and collate the Annual Statistical Report on Money Laundering and Terrorist Financing.</p>
Extent to which Human Rights concerns affect this work	<p>No specifically Human Rights or Equality based issues arise in relation to Money Laundering or Terrorist Financing. All policy is implemented on foot of legislation which has been rights proofed in the usual way of all legislation which carries penal sanctions. Primary human rights concerns relate to ensuring due process and equal treatment in the design of legislative and administrative measures. A particular concern is to ensure that measures to tackle terrorist financing are proportionate and avoid the risk of marginalising legitimate organisations</p>
Measures in place to ensure public sector duty met	<p>Legislation and policy screened by CLRD and AGO.</p> <p>Significant degree of stakeholder outreach where any measure can be shown to impact specific groups; to date</p>

	this has mainly been focused on the impact on businesses given the primary focus on money laundering
Identified gaps in coverage	As terrorist financing focus moves to include the NGO sector, additional outreach and stakeholder measures will be required to ensure rights are respected. However, outreach and awareness raising in the sector are inherently part of the existing action plan and so this gap is self-filling
Planned measures to mitigate gaps	Outreach to NPOs as part of normal operational outreach

16. Anti- Money Laundering (AML) Compliance Unit

Brief Description of work	Ensuring compliance with certain elements of Money Laundering and Terrorist Financing legislation. The legislation places obligations on certain businesses to guard against them being used for money laundering or terrorist financing purposes.
Extent to which Human Rights concerns affect this work	This is a service-oriented function, focusing on inspection of specific business types. Issues of due process and equal treatment can potentially arise in exercise of inspection powers and penal sanctions. There are no specific instruments creating rights specific to the area.
Measures in place to ensure public sector duty met	Due process is assured by the structure of the powers conferred by legislation, and the existence of an appeals mechanism.
Identified gaps in coverage	No formal training in place on equality issues.
Planned measures to mitigate gaps	Consider adding equality training to existing training regimen.

17. Anti-Human Trafficking Unit

Brief Description of work	<p>Development and delivery of a National Action Plan in consultation with other key stakeholders including Government Agencies and Civil Society organisations.</p> <p>Co-ordination of issues relating to trafficking for: Sexual Exploitation; Labour Exploitation; Forced Begging; Forced Criminal Activity; Removal of Organs and Child Trafficking.</p> <p>Promotion of awareness concerning the recognition and needs of victims of human trafficking and the services available to adult -</p> <p>Co-ordination of a Data Collection Strategy to understand the nature and extent of human trafficking in Ireland.</p>
Extent to which Human Rights concerns affect this work	<p>Coordination of Policy on this issue involves multiple human rights issues arising from the victimisation of the victims of this crime, the need to deliver supports to them, and the need to manage data on victimisation without adversely affecting the privacy rights of victims. These issues also affect the unit's limited involvement in individual cases, and the handling of complaints to the unit that people have been trafficked</p>
Measures in place to ensure public sector duty met	<p>Continuing international reporting requirements including Council of Europe, EU and UN frameworks. All frameworks are based on international instruments and are framed as expressly as rights-based.</p> <p>Continuing interaction with concerned NGOs and other stakeholders, both informally and through formal structures set up under National Action Plan</p>
Identified gaps in coverage	<p>HR perspective firmly embedded in all aspects of unit operation and continuously reinforced. No gaps identified</p>
Planned measures to mitigate gaps	<p>N/A</p>

18. Crime Division

Brief Description of work	<p>The role of the Division in the Department of Justice and Equality is to provide co-ordinated policy direction and legal frameworks to reduce and prevent crime, tackle reoffending and develop more secure communities.</p> <p>Tackling crime is informed by an analysis of crime trends and will include:</p> <p>measures to reduce the risk of becoming involved in crime along with crime prevention initiatives;</p> <p>effective policing founded on partnership between communities, An Garda Síochána, local authorities and other agencies;</p> <p>measures to deal with historic cases/issues;</p> <p>dealing sensitively with representations and correspondence;</p> <p>multi-agency responses to complex forms of crime – organised crime, road traffic offences, burglary, violent crime and white collar crime;</p> <p>application of a range of criminal sanctions to facilitate a reduction in offending and public protection.</p>
Extent to which Human Rights concerns affect this work	<p>Victim-centred aspects of the Division's work involve compliance with national and international human rights norms, both in terms of systems put in place and in the individual handling of victim cases where work involves direct interaction. Policy-centred (crime) aspects of the Directorate's work involve a human rights perspective primarily in relation to ensuring due process and equal treatment in the development and application of the law.</p>
Measures in place to ensure public sector duty met	<p>In most rights-affected areas, frameworks are based on constitutional rights and, where applicable, international instruments.</p> <p>Regular contact with CSO to look at crime trend and other relevant data, to inform policy making. Continuing interaction with relevant stakeholders. Liaison with the Victims of Crime Office, as appropriate. Use of Garda public attitude surveys to inform deeper research into fear of crime/effectiveness of criminal justice system</p>

Identified gaps in coverage	In broad terms, the Division's overall measures ensure coverage. A HR perspective is embedded firmly in all victim-centred operations, and the legislative proofing process provides robust coverage at the policy level.
Planned measures to mitigate gaps	Improve documentation and evidencing of HR perspectives, avail of equality training as it becomes available within DJE.

19. Firearms Explosives and Private Security Policy Division

Brief Description of work	<p>The Division is responsible for the development and implementation of policy, procedures and legislation (to address domestic issues and to give effect to EU law and UN obligations) in relation to firearms and explosives, in conjunction with relevant stakeholders and having regard to public safety issues. The Division also has some licensing responsibilities in relation to firearms and explosives and registration responsibilities in relation to firearms dealers.</p> <p>In addition, the Division is responsible for the development of policy and legislation in relation to the Private Security Authority (PSA) and has responsibility for governance/oversight of the PSA, in accordance with the D/PER Code of Practice for the Governance of State Bodies.</p>
Extent to which Human Rights concerns affect this work	<p>The Division ensures that all its customers (internal and external) are treated equally in line with our commitments outlined in the Customer Service Action Plan. From a policy development and legislative perspective, due regard must be had to human rights standards under EU, Council of Europe and United Nations Law and under the Irish Constitution.</p> <p>Due regard is also given to the requirement for non-discrimination in the recruitment of Board members to the PSA, particularly in relation to gender balance, having regard to Government policy on gender balance on State Boards and to the available candidates to fulfill the legislative requirements of the Act.</p>
Measures in place to ensure public sector duty met	<p>There is ongoing contact with stakeholders through formal and informal structures.</p> <p>Legislative proposals are examined by the Office of the Attorney General for compliance with the Constitution and the ECHR, as well as applicable international instruments. The pre-legislative scrutiny process also allows for interested bodies to input into primary legislation.</p> <p>Continuing international reporting requirements including EU and UN frameworks, which are rights based.</p> <p>Policy and the law relating to the Division's policy remit are kept under review on an ongoing basis. In light of the above, concerns in relation to due regard being had to human rights standards and</p>

	norms would appear to be sufficiently addressed in this Division's work with no obvious gaps identified.
Identified gaps in coverage	<p>Notwithstanding the above, and having regard to developments generally within the Department in this area, general staff training could be provided on equality and human rights issues and on the implementation of the Public Sector Duty.</p> <p>We could identify and agree the equality and human rights values held by the Department and that will be used to shape implementation of the Public Sector Duty and create an awareness within the Department about the Public Sector Duty - what it is, how it might have a positive impact, and how it could be implemented. We could focus on processes to be adopted within Divisions to demonstrate compliance with human rights standards and how such processes might be documented.</p>
Planned measures to mitigate gaps.	See comments re general training and identification of values above.

20. Mutual Legal Assistance

Brief Description of work	The Division has responsibility for exercising the powers of the Minister for Justice and Equality in his capacity as Central Authority for the purposes of facilitating the transfer of evidence relevant to criminal investigation between Ireland and other States under various EU and international conventions and agreements. It also acts as the Central Authority for matters related to extradition and the European Arrest Warrant (EAW).
Extent to which Human Rights concerns affect this work	<p>From a policy development perspective, due regard must be had to human rights standards under EU, Council of Europe and United Nations Law and under the Irish Constitution.</p> <p>Most of the Division's work in these respects is concerned with giving effect in Ireland's domestic law, policy and practice to obligations established under international law, which would in any event have due regard to and be in compliance with international human rights norms.</p>
Measures in place to ensure public sector duty met	<p>All policy areas for which the Division has responsibility is governed by legislation which has been rights proofed and approved by the Office of the Attorney General. In particular the European Arrest Warrant Act 2003, the Extradition Act 1965 and the Criminal Justice (Mutual Assistance) Act 2008.</p> <p>Policy and the law relating to the Division's policy remit are kept under review on an ongoing basis, having regard to developments in the Irish courts in particular, but also in the European Court of Justice and the European Court of Human Rights. This is particularly so in the case of extradition and the European Arrest Warrant</p> <p>A number of the policy areas under the Division's remit are subject to international oversight and review mechanisms and associated reporting obligations which the Division feeds into. These include the EAW and the United Nations Convention against Corruption and Convention against Transnational Organised Crime.</p>
Identified gaps in coverage	In light of the above, concerns in relation to due regard being had to human rights standards and norms would appear to be

	sufficiently addressed in the Division's work with no obvious gaps identified.
Planned measures to mitigate gaps.	See above comment in relation to human rights awareness training.

21. Overall Crime and Security Directorate Policy

Brief Description of work	<p>The role of the Crime and Security Division in the Department of Justice and Equality is to provide co-ordinated policy direction and legal frameworks to reduce and prevent crime, tackle reoffending and develop more secure communities.</p> <p>Tackling crime is informed by an analysis of crime trends and will include:</p> <ul style="list-style-type: none"> measures to reduce the risk of becoming involved in crime along with crime prevention initiatives; effective policing founded on partnership between communities, An Garda Síochána, local authorities and other agencies; measures to improve the standing of victims and their needs; multi-agency responses to complex forms of crime – organised crime, trafficking, smuggling, cybercrime and white collar crime; application of a range of criminal sanctions to facilitate a reduction in offending and public protection.
Extent to which Human Rights concerns affect this work	<p>Victim-centred aspects of the Directorate's work involve compliance with national and international human rights norms, both in terms of systems put in place and in the individual handling of victim cases where work involves direct interaction. Policy-centred (crime) aspects of the Directorate's work involve a human rights perspective primarily in relation to ensuring due process and equal treatment in the development and application of the law.</p>
Measures in place to ensure public sector duty met	<p>Legislation and policy screened by CLRD and AGO. Significant degree of stakeholder outreach where any measure can be shown to impact specific groups and interests.</p> <p>In most rights-affected areas, continuing international reporting requirements including Council of Europe, EU and UN frameworks. All frameworks are based on international instruments and are framed as expressly as rights-based.</p>

	Continuing interaction with concerned NGOs and other stakeholders, both informally and through formal structures established within documented policies.
Identified gaps in coverage	In broad terms, the Directorate's overall measures ensure coverage. A HR perspective is embedded firmly in all victim-centred operations, and the legislative proofing process provides robust coverage at the policy level. There may be a need for formal training on equality issues and fuller documentation of the existing processes.
Planned measures to mitigate gaps	Improve documentation and evidencing of HR perspectives, avail of equality training as it becomes available within DJE.

22. Irish Naturalisation and Immigration Service

<p>Equality and Human Rights Public Sector Duty - Irish Naturalisation and Immigration Service ("INIS") Brief Description of areas of work in INIS</p>	<p>INIS is responsible for undertaking the administrative functions of the Minister for Justice and Equality in relation to immigration, visa, international protection and citizenship matters.</p> <p>The services provided by INIS include:</p> <p>Border management at Dublin Airport; Passenger information processing; Visa processing; Registration of non-EEA nationals; Long-term residence permissions; EU Treaty Rights status; International Protection status; Citizenship and family reunification; Repatriations; Legal support services; Corporate affairs.</p> <p>In the discharge of its functions, INIS is responsible for the operation of a number of public facing areas, including the Burgh Quay Registration Office, the International Protection Office and Immigration Control at Dublin Airport.</p> <p>The Business Plan 2018 identifies the following themes as areas of focus for INIS over the coming year:</p> <p>Efficient processing of all immigration cases; Brexit and the Common Travel Area; Immigration policy formation, including EU matters; Border management and security; An ambitious reform programme; Robust response to legal action; Corporate functions that support our work.</p>
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<p>Extent to which Equality and Human Rights concerns affect this work</p>	<p>INIS engages with a diverse client base from a variety of cultural backgrounds. Much of the work carried out by INIS requires staff to be particularly sensitive to the types of human rights and equality issues that may be relevant to both our clients and colleagues.</p> <p>The types of issues that may arise include:-</p> <p>Immigration, Visa and Citizenship Services;</p> <p>Due to the diversity in the type of client received in INIS public offices front line staff encounter different types of issues according to the background of the individual client on an ongoing basis requiring them to be alert to particular sensitivities on an ongoing basis;</p> <p>Across all INIS services there is a general need for the delivery of our services in a manner which promotes equality and protects human rights and this should be reflected in procedural guides throughout INIS.</p>
<p>Measures in place to ensure public sector duty is met</p>	<p>Continuing interaction with NGOs through regular NGO Forum meetings;</p> <p>Training for front-line staff in relation to cultural sensitivities;</p> <p>Whole of INIS approach to staff training on diversity;</p>
<p>Are there any identified gaps in coverage in respect of the equality and human rights issues within your area of work?</p>	<p>INIS is concerned with advancing the Human Rights of the individual and promoting equality in all of its diverse activities.</p> <p>However, in light of the diversity of our clients and the potential human rights and equality issues staff may encounter there may be scope to deliver more tailored training to all staff.</p> <p>Further work is required to document existing processes as they relate to the elimination of discrimination; promotion of equality and protection of human rights.</p>

<p>Planned Measures to mitigate any identified gaps</p>	<p>INIS will fully participate in the implementation of the Migrant Integration Strategy;</p> <p>INIS will avail of any human rights and equality training that is made available within the Department of Justice and Equality, or by IHREC;</p> <p>In light of the diversity of our clients and the potential human rights and equality issues staff may encounter procedures in each unit are to be revisited to ensure that they reflect the Equality and Human Rights Public Sector Duty;</p> <p>It is proposed that initial training would be rolled out to all staff and included as part of staff induction with periodic refresher training;</p> <p>Progress in these areas will be reported on as part of the 2018 Annual Review of Immigration in Ireland.</p>
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23. Office for the Promotion of Migrant Integration

Brief description of work	The Integration Unit of OPMI is the Department's lead policy unit on migrant integration (including anti-racism) and administers national integration funding programmes.
Extent to which human rights and equality concerns affect this work	<p>Human rights and equality concerns directly affect the work of the Integration Unit.</p> <p>The high level policy objective for integration is to facilitate migrants to play a full role in Irish society. Monitoring across a range of integration indicators shows that many migrants face barriers to full participation. Some of these barriers may involve migrants experiencing unequal treatment, discrimination, or racism.</p> <p>Equality law protects people from discrimination based on their race (including nationality and ethnic origin) and religion, both of which grounds are highly relevant to migrant integration.</p> <p>The Integration Unit also has lead responsibility for Ireland's reporting to the UN Committee on the Elimination of Racial Discrimination (CERD) and the Council of Europe's Commission against Racism and Intolerance (ECRI). Both of these bodies have a central focus on human rights and equality.</p> <p>Many civil society organisations that receive funding from the Integration Unit for integration and anti-racism projects are working directly with clients who fall under one or more of the protected grounds under equality law.</p>
Measures in place to ensure public sector duty is met	The funding programmes administered by the Integration Unit constitute measures to help meet the public sector duty as their target participants – migrants – fall under one or more of the protected grounds under equality law and the objective of the programmes is to support their full and equal participation in Irish society. Funding for anti-racism is an integral element of the programmes.

	<p>The Migrant Integration Strategy, implementation of which is monitored and co-ordinated by the Integration Unit similarly constitutes a measure to help meet the public sector duty as its goal is to facilitate migrants to play a full role in Irish society. Anti-racism is an integral element of the strategy.</p>
Identified gaps in coverage	<p>(i) The Integration Unit does not conduct a formal equality and human rights screening of applications for funding as part of the selection process.</p> <p>(ii) The Integration Unit does not explicitly highlight to funded organisations their obligations under equality and human rights law at the time of contracting.</p>
Planned measures to mitigate gaps	<p>(i) Pilot project for selection stage Communities Integration Fund projects.</p> <p>(ii) Consideration will be given to amending grant agreement templates to include specific reference to need for activities to promote human rights and equality.</p>

24. EU Funds Unit

Brief description of work	<p>The EU Funds Unit is responsible for the administration of the European Social Fund for gender equality and integration and employment of migrants projects. It is also the Responsible Authority for the Asylum, Migration and Integration Fund 2014-2020.</p>
Extent to which human rights and equality concerns affect this work	<p>Human rights and equality concerns directly affect the work of the EU Funds Unit.</p> <p>The EU funding that is administered by the Unit is to support policy objectives in the areas of gender equality and migrant integration. The overall objective of the AMIF is to promote the efficient and effective management of migration flows and the implementation, strengthening and development of a common EU approach to asylum and immigration. AMIF supports a range of activities, including funding to NGOs, Direct Awards to the IRPP to support the resettlement of refugees and returns activities carried out by INIS.</p> <p>EU Regulations governing the ESF and AMIF funds require Member States to:-</p> <p>promote equal opportunities for all, without discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation through mainstreaming the principle of non- discrimination.</p> <p>promote equality between men and women through mainstreaming throughout the preparation, implementation, monitoring and evaluation of the operational programmes.</p> <p>Respect the rights and principles enshrined in the Charter of Fundamental Rights of the European Union.</p>

<p>Measures in place to ensure public sector duty is met</p>	<p>The funding programmes administered by the EU Funds Unit constitute measures to help meet the public sector duty as their target participants fall under one or more of the protected grounds under equality law and the objective of the programmes is to support their full and equal participation in Irish society.</p> <p>The regulations that govern the funds require member states to consider equality and human rights in the design and implementation of programmes. Formal reporting on gender and equal opportunities is a requirement under the ESF and the EU Funds Unit is actively engaged in this process. It reports annually to the Programme Monitoring Committee.</p> <p>A gender and equal opportunities perspective is considered when advertising Calls for proposals, in guidance provided to project applicants, forms part of the assessment criteria.</p>
<p>Identified gaps in coverage</p>	<p>(i) The EU Funds Unit does not conduct a human rights screening of applications for funding as part of the selection process.</p> <p>(ii) The EU Funds Unit does not explicitly highlight to funded organisations their obligations under human rights law at the time of contracting.</p>
<p>Planned measures to mitigate gaps</p>	<p>(i) Seek guidance on how to build human rights dimension into Calls for Proposals.</p> <p>(ii) Consideration will be given to amending grant agreement templates to include specific reference to need for activities to promote human rights and equality.</p>

25. Irish Refugee Protection Programme

<p>Brief description of work</p>	<p>The Irish Refugee Protection Programme (IRPP) was established by Government Decision on 10 September 2015 as a direct response to the humanitarian crisis that developed in Southern Europe as a consequence of mass migration from areas of conflict in the Middle East and Africa. Under this programme, the Government has pledged to accept a total of 4,000 persons into the State</p>
<p>Extent to which human rights and equality concerns affect this work</p>	<p>The work of IRPP is fundamentally affected by equality and human rights issues.</p> <p>1022 people have arrived from Greece and work continues on their housing in communities.</p> <p>Ireland had committed to accept 1,040 refugees by the end of 2017 under the resettlement strand of the programme and currently 792 people have arrived the remaining individuals are due to arrive in the coming months.</p> <p>The Minister has pledged to take a further 945 refugees from Lebanon between 2018 (345) and 2019 (600).</p> <p>As many of its client base are children, they also come under the protections of the UN Convention on the Rights of the Child. Similarly, as many protection applicants are women, the provisions of the UN Convention on the Elimination of Discrimination Against Women also apply.</p> <p>IRPP's client base encompasses many of the grounds protected under the equality legislation. All come under the race ground. Some are from minority religions. Some have</p>

	<p>disabilities. Some are lesbian, gay or bisexual. Many are lone parents. Some are elderly.</p> <p>The provisions of the UN Convention on the Rights of Persons with Disabilities, now ratified, also apply, requiring IRPP and Local Authorities and service providers to ensure that specific provision is made for persons with physical and intellectual disabilities who are housed through the programme.</p>
Measures in place to ensure public sector duty is in place	<p>Accommodation in EROCs is overseen by RIA</p> <p>RIA has a Child Protection and Welfare Policy in place to safeguard the rights of children in its accommodation. IRPP staff have received training in Children First</p> <p>RIA has a Policy and Practice Document in place on safeguarding RIA residents against Domestic, Sexual & Gender-based Violence & Harassment.</p> <p>Policies have been accompanied by training for contractors and their staff to ensure that they are aware of their obligations in relation to child protection and welfare and in relation to responding to instances of domestic, gender-based or sexual violence or harassment.</p>
Identified gaps in coverage	<p>IRPP does not have a systematic process in place to provide equality and human rights training to staff on an ongoing basis.</p> <p>There is not standardised training for Resettlement and Intercultural Workers</p>

	<p>IRPP is dependent on Local Authorities and their policies in the delivery of services through Interagency groups.</p> <p>Services such as education and childcare, while delivered under the auspices of IRPP, are staffed by staff members not directly under the supervision of IRPP.</p>
Planned measures to mitigate gaps	<p>A newly developed Standards Framework sets requirements for contractors, including in relation to training. The standards meet the minimum standards set out in: Recast Reception Conditions Directive EASO Guidance on Reception Conditions: Operational Standards and Indicators.</p> <p>Furthermore, the standards have taken due cognisance of the responsibility to promote equality, prevent discrimination and protect the human rights of employees, customers, service users and everyone affected by policies and plans as defined by Public Sector Equality and Human Rights Duty.</p> <p>The Requests for Tender process by which centres will be contracted from the end of 2018 onwards will include a requirement that the contractor have a staff member with expertise on equality and interculturalism. It will also include a requirement for ongoing equality and human rights training of staff working in centres.</p> <p>Ongoing work is taking place in standardisation of approach through Local Authorities</p>

	Training for staff in areas such as child protection and domestic and sexual violence is being rolled out.
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26. Reception and Integration Agency

<p>Brief description of work</p>	<p>The Reception & Integration Agency (RIA) provides accommodation and ancillary services to those protection applicants who seek accommodation, while they are in the protection process.</p> <p>RIA also works with other State Service providers in the provision of other services.</p> <p>RIA also provides accommodation to victims of trafficking.</p>
<p>Extent to which human rights and equality concerns affect this work</p>	<p>The work of RIA is fundamentally affected by equality and human rights issues.</p> <p>Its client base is formed of asylum seekers who are seeking to exercise the core human right to seek international protection as provided for in the Geneva Convention.</p> <p>As many of its client base are children, they also come under the protections of the UN Convention on the Rights of the Child. Similarly, as many protection applicants are women, the provisions of the UN Convention on the Elimination of Discrimination Against Women also apply.</p> <p>RIA's client base encompasses many of the grounds protected under the equality legislation. All come under the race ground. Some are from minority religions. Some have disabilities. Some are lesbian, gay or bisexual. Many are lone parents. Some are elderly.</p> <p>The provisions of the UN Convention on the Rights of Persons with Disabilities, now ratified, also apply, requiring RIA to ensure that specific provision is made for persons with physical and intellectual disabilities who are housed in its accommodation.</p>

	<p>Direct provision has been specifically referenced in the concluding observations of some UN monitoring processes. The UN Committee on the Elimination of Racial Discrimination has recommended to the State to take all necessary measures to improve the living conditions of asylum seekers by providing them with adequate food, medical care and other social amenities, including a review of the direct provision system.</p> <p>The recommendations of the Universal Periodic Review process have also recommended that Ireland improve the living conditions of persons in the protection process.</p>
Measures in place to ensure public sector duty is in place	<p>RIA has commissioned equality and diversity training for contractors to ensure that they are aware of their equality obligations.</p> <p>RIA has a Child Protection and Welfare Policy in place to safeguard the rights of children in its accommodation.</p> <p>RIA has a Policy and Practice Document in place on safeguarding RIA residents against Domestic, Sexual & Gender-based Violence & Harassment.</p> <p>Both policies have been accompanied by training for contractors and their staff to ensure that they are aware of their obligations in relation to child protection and welfare and in relation to responding to instances of domestic, gender-based or sexual violence or harassment.</p>
Identified gaps in coverage	<p>RIA does not have a systematic process in place to provide equality and human rights training to contractors and their staff on an ongoing basis.</p>

	<p>There is no process in place to ensure that new staff working in existing centres receive equality and human rights training.</p>
Planned measures to mitigate gaps	<p>A standards process is currently being finalised which will set requirements for contractors, including in relation to training.</p> <p>The requests for tender for centres which will be the process by which centres are contracted from the end of 2018 onwards will include a requirement that the contractor have a staff member with expertise on equality and interculturalism. It can also include a requirement for ongoing equality and human rights training of staff working in centres.</p>

27. Human Resources Division

Brief description of work	<p>The Human Resources Division provides HR services for the Department and its 2,300+ staff, including recruitment, learning and development, and advising on employment issues. The HR division conducts workforce planning to anticipate staffing needs and support wider business planning.</p> <p>In addition, the HR division contributes to HR policy development within the Civil and public service, including policies that cover equality and diversity.</p>
Extent to which human rights and equality concerns affect this work	<p>One aspect of the HR division's role is to ensure that the human rights of all staff are respected. The Employment Equality Acts 1998-2011 place an obligation on all employers to prevent harassment in the workplace. Harassment and sexual harassment on any of the following grounds – gender, civil status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community – are all forms of discrimination in relation to conditions of employment.</p> <p>All staff have a duty to behave in an acceptable and respectful manner.</p>
Measures in place to ensure public sector duty is in place	<p>The Department's Dignity at Work policy aims to promote respect, dignity, safety, and equality in the workplace. The key aims of this policy are to:</p> <ul style="list-style-type: none"> Achieve a work environment where dignity and respect are to the forefront of our values Create an environment where bullying, harassment, and sexual harassment are not tolerated in any form Ensure that each individual is aware of his/her responsibility to behave in a way that reflects a culture of dignity and respect.

	<p>Every member of staff should be aware that all forms of bullying, harassment, and sexual harassment are unacceptable. Aside from the impact upon the individual and colleagues, such behaviours can harm working relationships, undermine morale, and damage efficiency across the workplace.</p> <p>Staff can discuss their concerns with HR division at any stage. If a formal complaint is raised under the policy, it is investigated quickly and thoroughly.</p>
Identified gaps in coverage	<p>The HR division is confident that the Dignity at Work policy is effective in ensuring that all staff's human rights are respected – there are no identifiable gaps in this regard.</p> <p>However, the profile of staff in the Department is not fully reflective of the citizenry. This is an issue across the civil service.</p>
Planned measures to mitigate gaps	<p>The HR Division is keen to promote diversity and inclusion in the Department. It is important to understand what attracts people to the civil service and what may act as perceived barriers. The Department will discuss these issues with the Public Appointments Service.</p> <p>The HR Division has implemented several programmes to promote diversity:</p> <p>Gender – WeLEAD leadership development programme. The Department rolled out a cross civil service programme aimed at female POs seeking to progress to senior leadership roles.</p> <p>Family status – The Department allows all members of staff to reduce their work pattern to a 4-day week</p> <p>Disability – The Department has a dedicated Disability Liason Officer. The Department also participates in the Willing and Able Mentoring (WAM) programme and Job Shadow programme, providing work experience opportunities for those with disabilities.</p>

28. Civil Law Reform: Defamation Review

<p>Brief description of work</p>	<p>The Civil Law Reform Division is currently undertaking a review of the Defamation Act 2009 as required by section 5 of that Act.</p> <p>The overall question posed by the review is whether the 2009 Act strikes the right balance, in practice, between protecting freedom of expression and protecting good name and reputation – taking account of relevant developments such as intervening jurisprudence, changes in other common-law jurisdictions and the increasing importance of digital communications. Specifically, the aims of the Review are as follows:</p> <p>To promote an exchange of views and experiences regarding the operation in practice of reforms to the 2009 Act;</p> <p>To review recent reforms of defamation law in other relevant jurisdictions;</p> <p>To examine whether Irish defamation law, and in particular the Defamation Act 2009, remains appropriate and effective for securing its objectives, including in light of any relevant developments since 2009;</p> <p>To explore and weigh the arguments (and evidence) for and against any proposed changes in Irish defamation law intended to better respond to its objectives; and</p> <p>To publish the outcomes of the review, with recommendations on appropriate follow-up measures.</p>
<p>Extent to which human rights and equality concerns affect this work</p>	<p>Human rights concerns are a central component of the Defamation Review. The review is centrally concerned with ensuring that there is a balance between the right to freedom of expression and the right to protection of good name and reputation. In commenting on the review, the Minister for Justice and Equality stated,</p> <p>“the central focus of our review has been to ensure that our law strikes the correct balance between the right to freedom of expression in a democratic society, and an individual’s right to protect their good name and privacy against unfounded attack – rights which are protected both under our Constitution and under the European Convention on Human Rights”.</p>

Measures in place to ensure public sector duty is in place	<p>The following measures are being used to ensure that the public sector duty is in place:</p> <p>Public consultation – a public consultation has been held inviting views on the central questions of the review outlined above. 41 submissions have been received and are being actively considered.</p> <p>Comparative research – research into the law on defamation in other jurisdiction is being undertaken to compare how the relevant rights are balanced in other jurisdictions.</p> <p>Research relating to the ECHR caselaw that is emerging from the European Court and other commentary on Irish defamation law from a human rights perspective is being considered.</p>
Identified gaps in coverage	<p>Human rights concerns are clearly forming a central part of the review from the outset. There may be scope to formally address the section 42 Public Sector duty within the draft review to demonstrate how the DJE as a public body is seeking to protect the human rights and eliminate discrimination.</p>
Planned measures to mitigate gaps	<p>Possible systems and processes to formally consider the section 42 Public Sector duty at the early stage of reviews could be considered.</p>

29. Civil Law Reform: Coroners (Amendment) Bill

Brief description of work	<p>The Civil Law Division is responsible for the Coroners (Amendment) Bill 2018 which is currently before the Oireachtas. The Bill proposes to do the following:</p> <p>To clarify, amend, consolidate and extend the law on coroners' investigations and inquests and on reporting to coroners of unnatural deaths, including maternal deaths;</p> <p>To provide for a mandatory approach to the reporting to, and investigations of, a broader range of deaths by a coroner, including maternal deaths;</p> <p>To modernise and extend the legal powers of coroners, including in the independent investigation of deaths in State custody and detention, increase the effectiveness of coroners' inquiries and inquests and strengthen compliance with our obligations under the European Convention on Human Rights (ECHR).</p> <p>To amend a number of areas where the Attorney General has advised that the current Coroners Act 1962 has proven to be legally inadequate, and risks Irish law being incompatible with our obligations under the ECHR</p>
Extent to which human rights and equality concerns affect this work	<p>The legislative framework relating to the investigation of deaths that occur in an unnatural or unexpected manner or where there is a public interest in an investigation taking place, is of central importance within ECHR jurisprudence, particularly under Articles 2 and 13 of the ECHR. This issue is also provided for under the International Covenant on Civil and Political Rights.</p> <p>Coroners are extremely conscious of the Art 2 ECHR dimension to their work and have contributed extensively to the review.</p>
Measures in place to ensure public sector duty is in place	<p>The Office of the Attorney General has advised extensively on various elements of the legislative framework, including on the ECHR requirements. Many of the amending provisions proposed are being undertaken for the purpose of improving the compliance of the legislative framework with ECHR requirements.</p>
Identified gaps in coverage	<p>No identified gaps in coverage.</p>

Planned measures to mitigate gaps	Possible mechanisms to formally consider the section 42 Public Sector duty at the early stage of policy formulation and legislative drafting could be considered, such as inclusion of open questions in public consultation notices, inclusion in the Regulatory Impact Assessment or other mechanisms.
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30. Policing Division

Brief Description of work	<p>Policing Division is responsible for advising the Minister in relation to policing policy matters (domestic and international) and discharging the Minister's governance responsibilities in relation to An Garda Síochána, policing oversight bodies (the Policing Authority, the Garda Inspectorate), the body responsible for investigating complaints against the Gardaí (the Garda Síochána Ombudsman Commission) and Forensic Science Ireland. In this regard it is responsible for:</p> <p>developing policy connected with the reform of policing and policing oversight and police accountability (including developing legislative proposals), ensuring compliance with the Garda Síochána Act 2005, associated regulations and the Code of Governance for State Bodies, securing resources for the various bodies and monitoring performance, obtaining information from the various bodies to support the Minister's accountability to the Oireachtas and beyond, responding appropriately in relation to complaints concerning policing, including protected disclosures from Gardaí under the protected Disclosures Act 2014, and supporting Commissions of Investigation, Tribunals of Enquiries Enquiry and other statutory and non-statutory enquiries relating to policing matters, regulations governing the treatment of persons in Garda custody, arrangements for the oversight of the DNA database, representing the Minister in legal actions, various IR fora etc.</p>
Extent to which Human Rights concerns affect this work	<p>The Division's policy and functions regarding oversight and accountability involve consideration of human rights and equality issues to a significant degree. Our policy-centred work concerns, for example, promoting diversity in the Garda workforce; best practice admissions; promotions; performance management; disciplinary, anti-bullying and harassment processes that support equality and due process; advising the Minister in relation to the treatment of persons in Garda custody and ensuring that effective structures are in place for the independent examination of complaints in relation to policing. Our oversight functions include ensuring that the various bodies have in place structures, policies and procedures to fulfil their human rights and equality obligations including in relation to their treatment of protected disclosures.</p>

	<p>The report of the Commission on the Future of Policing (CoFPI) which identified that human rights are the foundation and purpose of policing was adopted by the Government in December in tandem with a high level implementation <i>A Policing Service for the Future</i>. This plan sets out the approach to implementation and is overseen by a dedicated Programme Office in the Department of the Taoiseach. The CoFPI report made a number of recommendations in relation to human rights including that An Garda Síochána develops a new human rights strategy, and establishes a human rights unit and that the oversight bodies have human rights expertise available to them. These are among the key recommendations being implemented in 2019. Policing Division is actively engaged in the implementation of this report.</p>
<p>Measures in place to ensure public sector duty met</p>	<p>Measures in place include:</p> <p>Meeting the Public Sector Equality and Human Rights Duty is on our Business Plan;</p> <p>Importance of human rights and equality proofing of policy and legislative proposals is firmly embedded in the Division with policy and legislative proposals screened by the Office of the Attorney General;</p> <p>Advisory group in place in relation to the treatment of persons in Garda custody;</p> <p>Significant degree of stakeholder outreach in terms of development of Garda workforce policies including with staff representative bodies;</p> <p>A specific section in the Division has been assigned responsibility for human rights matters in relation to AGS.</p>
<p>Identified gaps in coverage</p>	<p>The Division is concerned with advancing human rights and equality in the context of its policy and oversight roles and the need to human rights and equality proof proposals for policy and legislation is embedded in the Division. However, there may be a benefit in:</p> <p>The staff of the Division receiving specific training in relation to the Public Sector Human Rights and Equality Duty;</p> <p>Reviewing how human rights and equality proofing is documented within each section and whether it can be improved;</p> <p>Tabling the Public Sector Equality and Human Rights Duty as an agenda item for formal governance meetings with AGS, the bodies which oversee and investigate complaints about policing and FSI to ensure that they are cognisant of it and have in place appropriate structures and processes;</p>

	Examining in conjunction with Civil Governance Unit the value of making specific reference to the Public Sector Duty in governance/performance agreements with AGS, the oversight bodies and FSI.
Planned measures to mitigate gaps	<p>Policing Division will consider including the Public Sector Equality and Human Rights Duty requirement in all our Governance / Performance Agreements in conjunction with Civil Governance Unit</p> <p>Policing Division will table the Public Sector Duty as an agenda item for formal governance meetings with AGS, oversight bodies, FSI;</p> <p>Each section within the Division will review how they document human rights and equality proofing of proposals and ensure that their processes are adequate.</p> <p>Policing Division will avail of any training provided in relation to the Public Sector Duty (a model similar to that rolled out for GDPR may be suitable).</p>