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Justice, 2017

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Charlie Flanagan, TD, was appointed as Minister for Justice and Equality in June, taking over the role from then Tánaiste Frances Fitzgerald, TD. Other changes at the Department of Justice and Equality included the retirement of the secretary general, Noel Waters, who left his role in November.

The fall-out from the Garda whistle-blower controversy claimed another victim in 2017. In November Tánaiste Fitzgerald resigned from government, following information that she had been aware of a legal strategy adopted by An Garda Síochána regarding an attempt to discredit Sergeant Maurice McCabe. The Disclosures Tribunal, which is investigating allegations of a smear campaign against Sergeant McCabe, is ongoing. This tribunal of inquiry, chaired by Mr Justice Peter Charleton, was established to investigate allegations made in a protected disclosure that former Commissioner Martin Callinan and then Deputy Commissioner Nóirín O'Sullivan had instructed others to brief the media against Sergeant McCabe, in particular that he had been motivated by malice and revenge, and that his complaint had no substance. This campaign to discredit McCabe centred on an allegation of criminal misconduct made against him, claimed as the root cause of his initial complaint. The tribunal was also tasked to examine what knowledge Callinan and O'Sullivan, and other senior members of the Garda, had regarding this matter and whether they acted in a manner to discredit McCabe. Additionally, the tribunal is investigating the creation and distribution of a file by Tusla containing

false allegations of sexual abuse against McCabe that was allegedly sent to Gardaí in 2013, and whether these false allegations were inappropriately relied upon by O'Sullivan to smear McCabe at the commission of investigation led by Justice Kevin O'Higgins.

The ongoing controversies in the department, particularly concentrated on An Garda Síochána, have resulted in the decision to restructure the department from 2018. It was announced at the close of 2017 that the department will be divided into two, although it will still come under the control of one minister. Internally, the department will be divided into a section which concentrates on policing, while another section focuses on legislation and other matters. There will be one secretary general and two deputies over the two wings.

In Budget 2018 €2.6 billion was allocated to Justice and Equality, amounting to a significant injection of funding for capital investment in buildings, the Garda fleet and information technology. Funding includes provision for the recruitment of an extra 800 Gardaí and 500 civilians in 2018, additional funds for the Data Protection Commissioner's Office, particularly in advance of the General Data Protection Regulation in 2018, and funding for large Garda infra-structural projects. In addition, a further €300,000 is being invested in the Garda Síochána Ombudsman Commission to increase their staffing, including a new unit dedicated to protected disclosures.

In December the former Chief Justice Thomas Finlay passed away. Finlay had been appointed to the High Court in 1974, and had served as Chief Justice from 1985 to 1994.

Crime

The report of the Central Statistics Office (CSO) Expert Group on Crime Statistics was published in July. Comprising members of the CSO, An Garda Síochána and the Department of Justice and Equality, as well as Professor Mary Rogan of Trinity College Dublin, the group was established on foot of the 2014 report *Crime Investigation*, which levelled serious criticism at the national crime statistics. Among other conclusions, the group found that while the principles behind the collation of crime statistics were fit for purpose, there should be a publicly available document which explains the procedures behind the compilation of these statistics. The group found that improvements have been made to the Gardaí PULSE computer system, but that such processes should be subject to ongoing

review and audit, and likewise that there was a need for the CSO to continue to monitor crime statistics (Expert Group on Crime Statistics, 2017).

The CSO published crime statistics for Q4 2016. In Q4 there was a 12.7 per cent increase in homicide offences compared to Q4 2015. This was due to a 31 per cent increase in murders. There was also an 8.6 per cent rise in sexual offences between Q4 2015 and Q4 2016. There was a 29.8 per cent decrease in burglary and related offences between Q4 2015 and Q4 2016, as well as considerable drops in kidnapping and robbery offences (CSO, 2017).

New measures to tackle rural crime in 2017 included a grant aid scheme for community-based CCTV programmes, through which community groups can apply for up to 60 per cent of the cost of CCTV systems, with the aim of reducing crime. The scheme will run for three years, with €1 million being made available annually. An additional €100,000 will be made available to local communities to run text-alert schemes.

The Joint Agency Response to Crime (J-ARC), which commenced in 2016, continued. This programme, which is a coordinated response between the Irish Prison Service (IPS), the Probation Service, An Garda Síochána and the department, focuses on high-volume offenders, sex offenders and domestic violence offenders, and has a strong ‘victims of crime’ ethos.

An Garda Síochána

Garda Commissioner Nóirín O’Sullivan retired from her role on 10 November. Deputy Commissioner Dónall Ó Cualáin is exercising the functions of Commissioner in the interim. The new Garda Commissioner will be selected by way of an open and international competition under the auspices of the Policing Authority – the first time this method of appointment has been undertaken. This follows the January 2017 transfer of responsibility for the selection of senior ranks (Assistant Commissioner, Chief Superintendent and Superintendent) to the Policing Authority, the independent body formed in 2016.

An independent report undertaken by the accountancy firm Crowe Horwath (2017), which had been commissioned by the Policing Authority in June, found that almost 1.9 million breath tests had been recorded in an inaccurate or dishonest way, over a course of many years, and by a large number of Gardaí. The report examined the

issues relating to alcohol breath tests and fixed charge notices, concluding that, considering these incidents occurred over a period of more than ten years, it was surprising that the problem was not identified at an earlier stage. The report highlighted poor governance, and a failure of accountability and frontline supervision, as contributing to the problem. Management pressure was a key contributor to the falsification of data. The report also cited the lack of training and continuing professional development for Gardai, and noted that while the Gardai are attempting to address the incorrect convictions, there are major underlying deficits which must be addressed to prevent similar happening again. Various recommendations were made to effectively address these problems. The department has noted that An Garda Síochána will work closely with the Policing Authority to satisfy these requirements.

The Commission on the Future of Policing in Ireland was established. The commission is chaired by Kathleen O'Toole, who is currently the Chief of the Seattle Police Department, and is collecting submissions from members of the public until 31 January 2018. The commission has been tasked with the review of all functions carried out by An Garda Síochána, and will entail a fundamental examination of all aspects of policing in Ireland. This is in addition to ongoing reforms, as well as the new and independent oversight offered by the Policing Authority. The commission will consult widely, and is due to report in September 2018.

The third progress report of the Policing Authority on the implementation of the Garda Inspectorate report *Changing Policing in Ireland* was published. While some progress was noted, many actions required more work. The report noted that one-third of the recommendations in the Garda Inspectorate report were either 'under review' or 'not commenced'. An Garda Síochána has five years in which to deliver these changes, and the report expressed concern at the lack of timetabling for many of the recommended actions, and the slow pace of implementation (Policing Authority, 2017).

The First Report of the Working Group on Industrial Relations Structures for An Garda Síochána was published. This outlines the processes by which access will be created for Gardai to the Workplace Relations Commission and the Labour Court.

Following on from various recommendations on the matter, six Garda stations are to be reopened under a pilot scheme. This comes after the closure of many stations during the economic downturn under the Garda District and Station Consolidation Programme.

In November an unexpected decision to cancel Garda overtime caused consternation and surprise. There were two exceptions to this policy: ongoing operations relating to the Kinahan–Hutch feud and an operation to increase security at Dublin Port.

Victims of crime and gender-based violence

National Strategy for Women and Girls 2017–2020: Creating a Better Society for All was launched in May. This strategy aims to put women and girls at the heart of decisions and policy, and has several key strands under which actions will be taken. One of the strands is to combat violence against women. Under this, key actions include: commencing the provisions of the Criminal Law (Sexual Offences) Act, 2017, on harassment orders, evidence and the cross-examination of complainants; the enactment of the Criminal Justice (Victims of Crime) Bill; the enactment of the Domestic Violence Bill; and the introduction of legislation dealing with harmful communications, often referred to as ‘revenge pornography’. Progress has been made on a variety of these actions, including the progress made by the Victims of Crime legislation.

The Criminal Justice (Victims of Crime) Bill, 2017, passed all stages in both Houses of the Oireachtas. This legislation transposes EU Directive 2012/29/EU, which establishes the minimum standards on the rights, supports and protection of victims of crime. This is the first time that Irish law has explicitly recognised the rights of crime victims. The legislation includes rights such as: the right to receive information about the criminal justice system and their role in it, including the range of services and entitlements; the right to receive a written acknowledgement on making a complaint; the right to information on the progress of investigations and court proceedings; the right to be informed of a decision not to institute a prosecution; and the right to request a review of the decision, among others.

In January it was announced that the Criminal Justice (Sexual Offences) Bill would include a provision on consent – a move that had been requested by many non-governmental organisations (NGOs). This provision states that someone cannot consent to a sexual act due to, for example, being asleep or unconscious, being intoxicated or being mistaken as to the identity of the other person. Additionally, this legislation contains measures to prevent the grooming of children and to protect children online, new and strengthened child pornography offences, new provisions regarding the giving of evidence by children,

harassment orders to protect victims of convicted sex offenders and the criminalisation of the purchase of sexual activities. This bill passed both Houses of the Oireachtas in February. Certain provisions under this legislation, the Criminal Law (Sexual Offences) Act, 2017, have been commenced, including all new offences relating to the sexual exploitation and sexual abuse of children, new offences on the sexual exploitation of persons with disabilities and offences targeted at demand for the purchase of sexual activity.

The Domestic Violence Bill was published in February. By December this bill had been introduced to the Dáil for its second-stage debate. This legislation will consolidate and reform the law in this area, and form a step in Ireland's ratification of the Istanbul Convention. The bill contains a non-exhaustive list of factors that a court must take into account when dealing with applications for domestic violence orders. It also contains safety orders for those who are in relationships but who are not cohabiting, as well as an expanded emergency barring order provision, protection against cross-examination conducted in person, and requirements for courts to give reasons when deciding on applications. Crucially, the bill contains a provision for a new criminal offence of 'coercive control', to mean psychological abuse in an intimate relationship that causes fear of violence or serious alarm or distress that has a substantial adverse impact on a person's daily life.

Measures to further assist victims of crime were announced at the close of 2017. The fee of €150 required from applicants for civil legal aid in domestic violence cases in the District Court has been removed as of 1 January 2018. This move is in response to a recommendation from the Legal Aid Board, as well as recommendations under the UN Convention on the Elimination of all Forms of Discrimination against Women. In addition, €1.712 million was announced in funding for fifty-six NGOs providing victim support services across 2018.

The domestic violence awareness campaign, provided for under the *Second National Strategy on Domestic, Sexual and Gender-based Violence, 2016–2021*, continued in 2017. This strategy includes the 'What would you do?' initiative, which involves a simulated incident in a public place to highlight the role that witnesses can play in addressing domestic violence. Members of the public were invited to share the video clips on social media with the hashtag #mydoorsopen.

Prisons

In January Michael Donnellan was appointed for another five-year term as Director General of the IPS.

The IPS's *Annual Report 2016* showed a reduction in the number of prison committals, and a 15 per cent reduction in committals for the non-payment of a court-ordered fine. The year 2016 saw 15,099 committals, a decrease of 12.2 per cent on the previous year total of 17,206. Of these committals, 11,660 were under sentence, 2,976 were on remand, 37 were held for European Arrest Warrant extradition, 421 were held under immigration law, and 5 were held for indefinite contempt of court. Similarly, in 2016 a total of 12,579 persons were sent to prison, compared to 14,182 in 2015. This is a decrease of 11.3 per cent. In 2016 the overall daily average number of prisoners was 3,718. In 2015 this figure was 3,722. Within these figures, the average number of women prisoners in 2016 was 140, an increase of 6.9 per cent on the 2015 average of 131.

The cost of an available, staffed prison space was €69,421, a slight increase on the 2015 figure of €68,628.

The annual report hailed the Community Return Scheme as one of the success stories of the past few years. Established in 2011, this initiative has seen approximately 1,840 prisoners released back into the community. This scheme is co-managed by the IPS and the Probation Service, and is offering tangible benefits to local communities. Work has been completed on various projects such as those working to tackle homelessness. There were 301 releases in 2016 under this scheme.

Following a number of assaults on staff, in November 2016 a report compiled by the States Claims Agency was published. The report concluded that, given the number of committals, the ratio of assaults to the number of prisoners was very low (State Claims Agency, 2017). A number of recommendations were made on this point, and these have been accepted and will be folded into the IPS's *Strategic Plan 2016–2018*. Related to this, critical incident stress management is being rolled out across prisons, to help staff who experience stressful situations. Inspire Workplaces services were also contracted to provide 24/7, free counselling to staff.

The Probation Service's *Annual Report 2016* revealed that the number of community service orders increased to over 2,000 in 2016. The report also noted high rates of compliance with the Community Return Scheme.

The *Joint Probation Service and Irish Prison Service Strategy for Development of Social Enterprise in the Irish Criminal Justice Sector 2017–2019* was launched. The key aim of this strategy is to create employment opportunities for ex-offenders through the creation of employment through social enterprises.

The *Parole Board Annual Report 2016* was released. The total case load in 2016 was 344, comprising both new cases and those at subsequent stage review. The board reviewed 107 cases in 2016, and made 98 recommendations to the minister, who accepted the recommendations in full or part in 95 of these cases. Chairperson John Costello noted that the Parole Bill, 2016, would change the period for first review of a life sentence from 7 years to 12 years, and voiced his opinion that this lengthened time period should be revisited.

On 7 April St Patrick's Institution was finally closed. From 31 March all seventeen-year-olds were committed by the courts to the Children Detention Centre at Oberstown. As a result, the last remaining wing of St Patrick's was subsumed into Mountjoy Prison, and St Patrick's ceased to exist as a separate legal entity. A number of seventeen-year-olds who were detained in Wheatfield were not transferred to Oberstown, and will finish their sentences at Wheatfield. The completion of this process was due to take approximately nine months.

Infrastructural improvements continue apace across the Irish prison estate: slopping out has been greatly reduced and 98 per cent of prisoners now have access to in-cell sanitation. There are plans for refurbishment in Portlaoise Prison, including the demolition of D wing and the construction of a new maximum security unit to replace E wing. In 2018 Limerick Prison will also be refurbished, including plans to accommodate fifty women in Limerick Women's Prison in improved conditions, with eight transition units. These are encompassed under the *Irish Prison Service Capital Plan 2018–2021*.

The *Office of the Inspector of Prisons Annual Report 2015/2016* was published. This is the first such report since the death of Judge Michael Reilly, the Inspector of Prisons, in 2016. The office is a statutory position, established by the Prisons Act, 2007. Helen Casey has assumed the role of inspector on an interim basis, and the Public Appointments Service is in the process of running a competition to fill the role. The report outlines issues in the provision of mental health services to prisoners, in the number of prisoners on restricted regimes and in the line management structure in the IPS.

The year 2017 also saw the publication of *Healthcare in Irish Prisons*, written by Judge Reilly. This report was a follow-up to a 2011 report, *Guidance on Physical Healthcare in a Prison Context*, in which certain deficiencies flagged by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) were investigated. The most recent review highlights ongoing failures, and cites the 2014 CPT comment that while standards have improved in some prisons, they have deteriorated elsewhere (Inspector of Prisons, 2017). The IPS, in response, noted the emerging European trend of bringing prison healthcare under the auspices of the national healthcare provider, and stated that talks were in progress between the IPS, the Department of Justice and Equality, the Department of Health and the Health Service Executive (HSE) about this. The inspector noted that, as yet, there had been no review of prison healthcare, and recommended that responsibility for the provision of healthcare be transferred from the IPS to the HSE. The Department of Justice and Equality has announced that a review of prison healthcare is currently being progressed, and the terms of reference are being finalised.

In October the Irish Penal Reform Trust released *Progress in the Penal System: A Framework for Penal Reform*. This document seeks to provide a comprehensive overview and assessment on human rights and best practice in the penal system. The report sets out thirty-five standards, progress on which will be tracked across three years. These thirty-five standards are categorised under the headings of: an effective and humane prison system; prison conditions; regimes; complaints, accountability, and inspection mechanisms; safety and protection in Irish prisons; and reintegration. The report outlines priority, short-term actions which the trust has identified as most urgent. These include an improvement in the quality, scope and timeliness of prisons' data and the development of a cross-sectoral policy for the children of prisoners, as well as an exploration of the potential benefits of sentencing guidelines (Irish Penal Reform Trust, 2017).

Children and the criminal justice system

A recent survey of Garda juvenile liaison officers indicated that as many as 1,000 children may be affected by the activities of criminal networks in Ireland. The Department of Children and Youth Affairs is funnelling €1.2 million from the Dormant Accounts Fund into a

new intervention pilot scheme, developed in cooperation with the University of Limerick, which should begin in 2018.

Limerick's Research Evidence into Policy, Programmes and Practice (REPPP) is focused on children's involvement in criminal gang networks. They are developing a new intervention programme which will help children escape gang influence and offer pro-social activities and supports.

In January the Garda Diversion Programme's annual report for 2015 was published by the Diversion Programme Monitoring Committee. In 2015 a total of 184 fewer children came to the notice of An Garda Síochána than in 2014. In total, 7,282 children were admitted to the Diversion Programme, of which 4,860 were given an informal caution, and 2,422 received a formal caution, which involves supervision by a juvenile liaison officer (Diversion Programme Monitoring Committee, 2017). Regarding the 5 per cent of children who are responsible for 30 per cent of the offences, Minister of State David Stanton, TD, said that initiatives are currently being devised to target this cohort of young people.

Migrant/asylum issues

In February the *Migrant Integration Strategy* was launched. This initiative is targeted at migrants and refugees, and will run from 2017 to 2020. It aims to provide a framework for integration over these four years, including ensuring that mainstream services such as those in health, education, social protection and employment are responsive to migrants' needs, including through the provision of information in appropriate languages. The Communities Integration Fund will support communities in events and initiatives to this end.

The Supreme Court, in *NVH v Minister for Justice and Equality*,¹ held that the complete ban on asylum seekers working while awaiting adjudication on asylum claims was unconstitutional 'in principle'. It constituted an 'excessive' violation of the right to seek employment, found at Article 40.3. The judgement will have significant implications for those in direct provision. Following the decision, the government launched an interdepartmental task force to address these implications, and has decided to opt into the EU (recast) Reception Conditions Directive (2013/33/EU). This directive offers a framework under which applicants for international protection can access the employment market prior to a resolution of their cases. The

¹ *NVH v Minister for Justice and Equality* [2017] IESC 35.

department also published its report on consultations with children in direct provision. This was undertaken with the aim of giving young people in direct provision a voice and was compiled by researchers from the Child Law Clinic at University College Cork.

The McMahon report (by the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers), published in 2015, outlined 173 recommendations. It was reported in February 2017 that 90 per cent of these recommendations had been implemented. Particularly important, the recommendation regarding one single application procedure within the international protection process was achieved with the commencement of the International Protection Act, 2015, on 31 December 2016. Also, on foot of recommendations which targeted living conditions in direct provision centres, a programme of independent living is now being rolled out across centres, allowing for self-catering options.

Under the Irish Refugee Protection Scheme, set up in September 2015, Ireland will accept a further 600 refugees in 2018 and 600 in 2019. Additionally, the Family Reunification Humanitarian Admission Programme will see 530 refugees join family members already in Ireland. Ireland's acceptance of refugees is in accordance with the European Commission/UNHCR plans that 50,000 resettlement places will be provided across Europe in the two-year period.

The *National Traveller and Roma Inclusion Strategy 2017–2021* was launched. The strategy was developed following consultation with Traveller organisations, and follows the official recognition of Travellers as an ethnic group of the Irish nation. Key strands of the strategy were identified as: cultural identity, education, employment, children and youth, health, gender equality, anti-discrimination and equality, accommodation, Traveller and Roma communities, and public services. Specific actions under these headings include the use of an ethnic identifier across the public sector to assess challenges to the community (Department of Justice and Equality, 2017).

The Council of Europe Group of Experts on Action Against Trafficking in Human Beings (GRETA) published a report on Ireland's implementation of the Convention on Action Against Trafficking in Human Beings. The report notes progress in certain areas, including in the legislative developments made this year and recently, such as the International Protection Act, 2015, and the Criminal Law (Sexual Offences) Act, 2017. The report recommended

that further efforts are made to ensure that victims of trafficking are identified proactively and without delay, and that victims of trafficking not be detained in accommodation centres for asylum seekers, as well as enacting statutory rights for victims of trafficking.

Courts and legal

The *Courts Service Annual Report 2016* was published in July. One of the key developments was the construction of new courthouses and the refurbishment plans of existing buildings throughout the country. A review of the system of civil justice was announced. This review process will be chaired by the President of the High Court, Justice Peter Kelly, and will report within two years. The group is to review and reform the administration of civil justice in the state, the structures and procedures of which date back many years. The overall aim of the review is to deliver a more efficient and effective system. Various issues to be considered include improving access to justice, reducing the cost of litigation, ensuring more timely hearings, clarification and/or simplification of the rules of procedure, reviewing the law of discovery, encouraging alternative dispute resolution and reviewing the use of e-litigation. The group will also look at the legal costs provisions of the 2015 Legal Services Regulation Act, which have yet to be commenced.

Chief Justice Susan Denham announced her retirement in 2017. Appointed in July 2011, Denham was the eleventh person and the first ever woman to hold the post. Supreme Court Judge Frank Clarke was appointed as her successor.

Miscellaneous

In November the Office of the Ombudsman published the report *Opportunity Lost*, an investigation into the administration of the Magdalen Restorative Justice Scheme. The investigation was prompted by twenty-seven complaints about the scheme, which were made to the Ombudsman, Peter Tyndall. The Ombudsman examined issues such as how eligibility was determined and the process of assessment for applications, as well as the issue of women who were deemed to lack capacity. When the scheme was announced, it was stated that it would apply to twelve named institutions, and a preliminary expression of interest form was made available in February 2013. The Ombudsman found that the Department of

Justice and Equality judged applications on criteria that were not known or made explicit in the information campaign or the application material. The Ombudsman found that the phrase ‘admitted to and worked in’ was proving to be problematic. Although this phrase was used throughout the material, it was never defined, and the asymmetry between how this was interpreted by the department and how it was interpreted by the applicant women was jarring. This was compounded by the narrow interpretations favoured by the department regarding the twelve institutions. While one institution may have been considered separate and distinct by the department, associated institutions, such as an industrial school, may have had the same manager, and been referred to internally as merely different ‘sections’ of the same institution. Additionally, women and girls could be, and were, frequently moved around these different sections. Therefore, for some applicants, their understanding was that they lived and worked in one of the twelve named institutions. The Ombudsman also concluded that there was serious inconsistency across the administration of the scheme. Some women who were admitted to an institution with a named laundry were included, while others were not. The Ombudsman found that some of this inconsistency was the result of a decision made many months into the scheme to restrict the criteria further, when 600 applications had already been made. These decisions were against the explicit recommendations of Mr Justice John Quirke. The Ombudsman also noted that the records of the congregations were accorded much greater weight than the testimony of the applicants, which was often only taken late in the day. The Ombudsman concluded that the scheme’s administration constituted maladministration under Section 4 of the Ombudsman Act, 1980. The Ombudsman report contained a number of recommendations in order to address the serious issues identified in how the Magdalen Restorative Justice Scheme was administered (Office of the Ombudsman, 2017).

In July Ireland was examined by a UN Expert Committee under the United Nations Committee Against Torture and other Cruel, Inhumane, Degrading Treatment or Punishment (UNCAT). The Irish Government delegation highlighted many of the positive developments since 2011, including the closure of St Patrick’s Institution and the ending of a system which sent children to adult prisons, significant progress in ending slopping out through the provision of in-cell sanitation and the commencement of the International Protection Act, 2015, which simplifies and speeds up the asylum process.

The committee noted many positive developments, namely Ireland's ascension to, and ratification of, the Optional Protocol to the Convention on the Rights of the Child in 2014; the creation of the Irish Human Rights and Equality Commission as Ireland's national human rights institution; and legislation such as the Criminal Justice (Community Service) (Amendment) Act, 2011, which enshrined community service orders in sentencing decision-making.

However, the committee listed principal subjects of concern: Ireland's failure to ratify the Optional Protocol to the Convention against Torture to establish a national preventive mechanism, the situation of asylum seekers and migrants, and issues relating to the conditions of detention, police complaints mechanisms and training in line with the convention.

The Irish Government highlighted the progress on legacy social justice issues, including over €25.5 million paid to 677 women under the Magdalen Laundries Redress Scheme. The Irish delegation also pointed to the establishment of the Independent Commission of Investigation into the Mother and Baby Homes. However, the committee was critical of the government's response to Magdalen laundry survivors. While Minister of State David Stanton, TD, highlighted that many of the committee's concerns related to historical and legacy issues, within these, there are ongoing issues of concern, as noted above.

Judge Pat McCartan delivered his independent assessment on the evidence presented by the Stardust Relatives and Victims Committee. In light of McCartan's report, there will be no Committee of Investigation established into the Stardust tragedy, a 1981 fire in the Stardust nightclub, Artane, which resulted in the deaths of forty-eight people.

Chris Enright was appointed as the new Director General of Forensic Science Ireland (FSI). Work has commenced on a new facility for FSI, which will accommodate both FSI and the Garda Technical Bureau.

Key bills published or progressed in 2017

Statutory Instrument No. 276, Prison (Amendment) Rules, 2017, came into operation, bringing Ireland into line with the Mandela Rules on solitary confinement (the United Nations Standard Minimum Rules for the Treatment of Prisoners).

In November the Judicial Council Bill reached its second stage debate in the Seanad. The bill will provide for the establishment of a Judicial Council, which will promote excellence in the exercise by judges of their judicial functions, and will introduce a system for investigating complaints of judicial misconduct. The council will

comprise all serving members of the judiciary, and a board drawn from these ranks will be tasked with carrying out the functions conferred on it by the legislation. Additionally, a Judicial Conduct Committee will comprise judges and lay persons, and will investigate complaints and work on draft guidelines on ethics. There has been some criticism of the bill, namely that judges who have been rebuked will not be named, and all proceedings investigating allegations of misconduct will remain private, backed up by sanctions. The bill will also see the creation of a Judicial Studies Committee to facilitate the continuing education and training of judges, as well as a Sentencing Information Committee, which will collate and occasionally disseminate information.

The Judicial Appointments Commission Bill, 2017, will replace the current Judicial Appointments Advisory Board with the Judicial Appointments Commission, an organisation that will have a broader and more substantial role. The commission will have a lay chairperson who will be accountable to the Oireachtas. As well as a lay chair, the commission will have a lay majority.

The general scheme of the Criminal Justice (International Cooperation) Bill, 2017, was published. This legislation will deal with the continuing legacy of the Troubles through enhancing cooperation on coroners' inquests into historical deaths in Northern Ireland.

The government announced a white collar crime package in Autumn 2017, and the Criminal Justice (Corruption Offences) Bill, 2017, was introduced to the Dáil for a second-stage debate. This will overhaul legislation dating back as far as 1889, and will adopt some recommendations made pursuant to the Mahon Tribunal, aimed at tackling white collar crime and corruption.

The Criminal Justice (Offences Relating to Information Systems) Act, 2017, was passed, becoming the first piece of legislation dealing directly with cybercrime.

The Coroners' (Amendment) Bill, 2017, will introduce mandatory reporting, postmortem examination and inquests in cases of maternal death.

The Independent Reporting Commission Act, 2017, will establish a commission to monitor and report on paramilitary activity and associated criminality. The commission will report to the Irish and British Governments, and is part of the Fresh Start Agreement, agreed in 2015, to end paramilitary activity.

The Criminal Justice Bill contains provisions for strengthening measures dealing with persistent serious offenders and persons on bail who pose an ongoing threat to the public. The courts will be required to take account of additional factors in considering whether to refuse bail.

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