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**PERMANENT MISSION OF IRELAND TO THE OSCE**

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**NOTE VERBALE**

The Permanent Mission of Ireland to the Organisation for Security and Co-operation in Europe (OSCE) presents its compliments to the Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre, and has the honour to submit Ireland's annual information exchange on the Implementation of the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Ireland to the OSCE avails itself of this opportunity to renew to the Missions/Delegations of the Participating States to the OSCE and to the CPC the assurance of its highest consideration.



Vienna, 30 April 2020

To: The Permanent Missions and Delegations of all OSCE States.  
Director, Conflict Prevention Centre, Vienna.

**IRELAND'S CONTRIBUTION TO**  
**Information Exchange On The Code Of Conduct On**  
**Politico - Military Aspects Of Security**

**Section I: Inter-State elements**

**1. Account of measures to prevent and combat terrorism**

**1.1 To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?**

Ireland is party to the following international agreements/conventions related to terrorism:

- Convention on Offences and Certain Other Acts committed on board Aircraft, done at Tokyo on 14 September 1963.
- Convention for the Suppression of the Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970.
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.
- International Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, done at New York on 14 December 1973.
- European Convention on the Suppression of Terrorism, done at Strasbourg on 27 January 1977.
- International Convention against the Taking of Hostages, done at New York on 17 December 1979.
- Convention on the Physical Protection of Nuclear Material, done at Vienna on 3 March 1980.
- Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.
- Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located against the Continental Shelf, done at Rome on 10 March 1988.
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991.
- International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997.
- Agreement between the Government of Ireland and the Government of the Republic of Hungary on cooperation in combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crimes, done at Budapest on 03 November 1999.
- International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999.

- Agreement between the Government of Ireland and the Government of the Republic of Bulgaria on cooperation in combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crimes, done at Dublin on 31 January 2002.
- Agreement between the Government of Ireland and the Government of the Republic of Cyprus on cooperation in combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crimes, done at Dublin on 08 March 2002.
- Agreement between the Government of Ireland and the Government of the Republic of Romania on cooperation in combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crimes, done at Dublin on 17 January 2013.

Ireland has signed, but not yet ratified the following:

- International Convention for the Suppression of Acts of Nuclear Terrorism, done on 13 April 2005 and signed by Ireland in New York on 19 September 2005.
- Council of Europe Convention on the Prevention of Terrorism, done on 16 May 2005 and signed by Ireland on 03 October 2008 at the Council of Europe.
- Protocol amending the European Convention on the Suppression of Terrorism, done on 15 May 2003 and signed by Ireland on 15 May 2003 at the Council of Europe.
- Agreement between Ireland and Malta on cooperation in combating illicit drug trafficking, money laundering, organised crime, trafficking in persons, terrorism and other serious crimes, signed by Ireland on 26 February 2009.

## 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

### Offences against the State Acts 1939-1998

The *Offences against the State Acts 1939-1998* make it an offence to be a member of an unlawful organisation. Those Acts also make special provision in relation to evidentiary matters connected with the question of membership of such organisations. Other relevant offences include the offence of directing an unlawful organisation and training persons in the making or use of firearms or explosives, for which provision was made in the *Offences against the State (Amendment) Act 1998*.

There are dedicated provisions in the *Offences against the State Acts 1939-1998* directed to the property and funds of organisations that have been declared unlawful organisations for the purposes of those Acts. Section 22 of the *Offences against the State Act 1939* provides a general power of forfeiture of property of an unlawful organisation as a consequence of the making of a suppression order in relation to that organisation. The *Offences against the State (Amendment) Act 1985* makes a provision under which the Minister for Justice and Equality may authorise the restraint of funds believed to be destined for the use of an unlawful organisation.

Other provisions of the criminal law relating to the proceeds of crime also have application to terrorist financing: the *Criminal Justice Act 1994*, the *Proceeds of Crime Act 1996*, the *Proceeds of Crime (Amendment) Act 2005* and the *Criminal Assets Bureau Act 1996*. These permit the confiscation of terrorist finances where they can be shown to be the proceeds of crime either directly or indirectly.

#### Criminal Law Act 1976

The *Criminal Law Act 1976* makes it an offence to recruit another person for an unlawful organisation or to incite or invite another person to join an unlawful organisation or to take part in or support or assist its activities.

#### Criminal Justice (Terrorist Offences) Act 2005

The *Criminal Justice (Terrorist Offences) Act 2005* (the 2005 Act) gives effect in Irish domestic law to four anti-terrorist conventions acceded to or ratified by Ireland on 30 June 2005, namely the International Convention against the Taking of Hostages, 1979; the International Convention for the Suppression of Terrorist Bombings, 1997; the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973; and the International Convention for the Suppression of the Financing of Terrorism, 1999. The offences created by these four conventions are established as offences in domestic law in Sections 9, 10, 11 and 13 respectively of the 2005 Act. The 2005 Act also amends Irish law more generally to enhance the capacity of the State to address the problem of international terrorism.

Under the terms of the 2005 Act, specified offences will become terrorist offences when committed with intent to seriously intimidate a population, unduly compel a Government or international organisation to perform or abstain from performing an act, or seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a State or an international organisation which, where appropriate, will attract enhanced penalties.

Moreover, under the terms of the 2005 Act, terrorist groups which commit terrorist offences in or outside the State are unlawful organisations for the purposes of the Offences against the State Acts 1939 - 1998 and the relevant provisions of those Acts, including the offences of membership and directing an unlawful organisation, will have application to such groups.

The 2005 Act enables funds which are being used, or which may be intended to be used, for the purpose of committing terrorist offences, including financing terrorism, to be frozen and ultimately made subject to a disposal order in favour of the State by way of court orders.

By amending the *Criminal Justice Act 1994*, the 2005 Act provides for a dedicated procedure whereby funds used in, or deriving from, a terrorism financing offence may also be subject to confiscation, restraint and forfeiture by way of a court order arising from proceedings for such an offence.

The 2005 Act also amends the Offences against the State Acts to strengthen existing provisions of that legislation directed to the property of unlawful organisations and to provide for a new offence of providing assistance to such organisations which will have application to terrorist groups.

The *Criminal Justice (Terrorist Offences) (Amendment) Act 2015* amends the 2005 Act to create three new offences of:

- Public Provocation to commit a Terrorist Offence;
- Recruitment for Terrorism;
- Training for Terrorism.

These new offences are particularly relevant to the nature of the current threat posed to Europe by international terrorism. There are those who, while playing no part in actual acts of terrorism, encourage others to do so. These offences can carry sentences of up to 10 years' imprisonment.

The 2015 Act gives effect to Council Framework Decision 2008/919/JHA, which amended Council Framework Decision 2002/475/JHA on combating terrorism. The Act will also facilitate ratification in due course of the Council of Europe Convention on the Prevention of Terrorism which has already been signed by Ireland.

### **Legislative framework for lawful interception**

Matters pertaining to the lawful interception of communications and covert electronic surveillance are governed generally in Ireland by three Acts, the Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993; the Criminal Justice (Surveillance) Act 2009 and the Communications (Retention of Data) Act 2011. The powers granted under the law are deployed for the purposes of combating serious crime, terrorism, and protecting the security of the State.

### **Criminal Justice (Money Laundering and Terrorist Financing) Act 2010**

The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended by the Criminal Justice Act 2013 and the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018 establishes the Minister for Justice and Equality as a State Competent Authority for the purposes of securing compliance by certain categories of 'designated persons' with statutory requirements to prevent money laundering or terrorist financing.

The 2010 Act transposed the Third EU Money Laundering Directive (2005/60/EC) and the associated Implementing Directive (2006/70/EC) into Irish Law and also gave effect to recommendations of the Financial Action Task Force (FATF) - the international anti-money laundering and counter-terrorist financing body.

The Fourth EU Anti-Money Laundering Directive (2015/849) (4AMLD) was largely transposed by the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018 which was enacted in December of 2018 and introduced, among other things; new requirements on businesses to have written policies, procedures and risk assessments for their businesses with regard to AML; stricter rules for carrying out customer due diligence (taking identification and proof of address from customers interacting with businesses considered to be a risk for money laundering); and rules regarding the treatment of politically exposed persons by said businesses. Elements relating to information on the beneficial ownership of companies and trusts were transposed by way of Statutory Instrument (SI): SI 16 of 2019 (European Union

(Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2019) and SI 110 of 2019 (European Union (Anti-Money Laundering: Beneficial Ownership of Corporate Entities) Regulations 2019. These give effect to Article 30 and Article 31 of the Fourth Anti-Money Laundering Directive regarding requirements on the beneficial ownership information of companies and trusts, to assist in the prevention of the abuse of the financial system for the purposes of money laundering or terrorist financing.

Statutory Instruments 578 and 600 of 2019 subsequently amended the Criminal Justice Act to give further effect to remaining elements of the Fourth Anti-Money Laundering Directive.

A new EU Directive 2017/541 on combatting terrorism was adopted in March 2017. Directive 2017/541 is directed at the foreign terrorist fighter phenomenon and the risk related to travel to third countries to engage in terrorist activities. Offences include receiving training for terrorism, travelling abroad for terrorism and organising or facilitating travelling abroad for terrorism. Legislation to give effect to Directive 2017/541, the *Criminal Justice (Terrorist Offences) Bill*, is on the Irish Government's current Legislation Programme. The legislation is in early stages of preparation.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

The primary agency with responsibility for law enforcement in Ireland, including counter-terrorism, is An Garda Síochána (The Irish Police Force). An Garda Síochána also conducts the intelligence gathering function associated with the prevention and investigation of crime, including terrorism. An Garda Síochána is operationally independent but is subject to the general law enforcement policies set by Government and independent oversight by the Policing Authority, together with the Garda Síochána Ombudsman Commission and the Garda Síochána Inspectorate. An Garda Síochána are predominantly unarmed although they have developed some armed support units and a specialist emergency response unit.

The Cabinet Committee on Security is a new cabinet committee covering issues relating to justice, defence, Garda reform and national security. The existence of a cabinet level committee facilitates necessary Ministerial involvement in the broad dimensions of security as well as a range of specific matters requiring Ministerial and Government consideration and decision. Among these is the follow-up to the Report of the Commission on the Future of Policing. This Commission was established by the Government in May 2017 in order to carry out a fundamental examination of all aspects of policing in this State and to bring forward proposals to the Government for the future of policing. The Commission reported in September 2018. Implementation of the Commission's Report is now being overseen by a High Level Steering Board and an Implementation Group on Policing Reform, with Department of Defence input.

Arising from the Commission's recommendations, a new National Security Analysis Centre (NSAC) has been established under the aegis of the Department of the Taoiseach. A Director has been appointed to NSAC. One of the key roles of the Director is to support the National Security Committee chaired by the Secretary General to the Government. Among other things, NSAC will have responsibility for the development of a National Security Strategy. The associated work and operation of the new Centre will help refine and shape the national security architecture and future approaches across government to assessing the security environment, including in the context of future fixed cycle defence reviews.

Military Intelligence provides regular assessments, reports and briefings to the Minister for Defence, the Chief of Staff of the Defence Forces and the Department of Defence on any threats to the security of the State and the national interest from internal or external sources. The National Security Committee meets on a regular basis and receives security briefings. Its role is to ensure that the Taoiseach and Government are kept informed of high-level security and crisis issues and the State's response to them. It receives threat assessments from the Garda Commissioner and the Chief of Staff. The committee comprises the Secretaries General to the Government, and of the Departments of Justice and Equality, Foreign Affairs and Trade and Defence, the Garda Commissioner and the Chief of Staff of the Defence Forces. Other Departments attend as required.

The Office of Emergency Planning (OEP) is a joint civil/military office in the Department of Defence. The function of the OEP is to take the lead role in supporting emergency planning through the Government Task Force on Emergency Planning, which is chaired by the Minister for Defence with responsibility for Defence. This includes ongoing co-ordination and oversight of the emergency planning of Government Departments and various agencies, in order to ensure the best possible use of resources and compatibility between planning requirements. Responsibility for specific emergency planning and response functions remains with the relevant lead Government Departments and agencies. A Strategic Emergency Management (SEM) National Structures and Framework document and the associated Annexes were approved by Government in July 2017. The SEM identifies 50 difference emergency/incident types across a range of Lead Government Departments. It provides the basis for the National-level strategic emergency management and the supports required should such emergencies occur where a national-level response is warranted, including security related emergencies. Emergencies should be dealt with locally wherever possible. The separate Major Emergency Management (MEM) Framework developed in 2006 and currently under review by the Department of Housing, Planning and Local Government, guides the local and regional responses and inputs into the National-level responses, which the SEM addresses through the convening of a National Emergency Coordination Group chaired by the Lead Government Department (LGD) as identified in Annex A of the SEM.

The Defence Forces are tasked by the Government with providing Aid to the Civil Power (ATCP) which, in practice, means to assist An Garda Síochána when requested to do so. On a day to day basis the Defence Forces typically provide a range of ATCP supports, including armed cash in transit escorts, pilots and logistical support to the Garda Air Support Unit and armed prisoner escorts to and from the Criminal Courts. The Defence Forces also have a number of specialist explosive ordnance disposal teams on standby on a 24/7 basis to respond to An Garda Síochána requests to make safe and dispose of suspected improvised explosive devices, and to deal with other finds such as conventional munitions. The Defence Forces may also be called upon by An Garda Síochána in relation to criminal activity in the maritime domain.

In addition, at the request of Government, the Defence Forces have responsibility for providing a permanent armed guard at Portlaoise Prison. Military Intelligence and Specialist Defence Forces units support ongoing policies in the prevention and combating of terrorism.

**1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

**Financing of terrorism:**

The Criminal Justice (Terrorist Offences) (Amendment) Act 2015 was enacted in June 2015. It further strengthens Ireland's laws to address the international terrorist phenomenon by creating new offences of Public Provocation to commit Terrorist Offences, Recruitment for Terrorism and Training for Terrorism. The *Criminal Justice (Money Laundering and Terrorist Financing) Act 2010* (the 2010 Act), as amended by the Criminal Justice Act 2013, establishes the Minister for Justice and Equality as a State Competent Authority for the purposes of securing compliance by certain categories of 'designated persons' with statutory requirements to prevent money laundering or terrorist financing.

The 2010 Act transposed the Third EU Money Laundering Directive (2005/60/EC) and the associated Implementing Directive (2006/70/EC) into Irish law. The 2010 Act contains requirements to identify customers/beneficial owners, to report suspicious transactions to An Garda Síochána and the Revenue Commissioners, and to have policies and procedures in place to provide to the fullest extent possible for the prevention of money laundering and terrorist financing.

The Fourth EU Anti-Money Laundering Directive (2015/849) was largely transposed by the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018 ). The Fourth EU Anti-Money Laundering Directive, and its transposing enactment, strengthened EU rules and aligned them with current FATF recommendations. The Directive contains stricter requirements for identifying customers, having business risk assessments, policies and procedures in writing, and requirements concerning transactions with politically exposed persons. The Directive requires designated persons – such as banks – to take a risk-based approach to identifying and monitoring customers and business relationships. This further tightens the laws in place to prevent money laundering and terrorist financing.

Two regulations introduced by the Minister for Finance in 2019 are also of note: SI Number 16 of 2019 (European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2019) and SI Number 110 of 2019 (European Union (Anti-Money Laundering: beneficial Ownership of Corporate Entities) Regulations 2019). These give effect to Article 30 and Article 31 of the Fourth EU Anti-Money Laundering Directive regarding requirements on the beneficial ownership information of companies and trusts, to assist in the prevention of the abuse of the financial system for the purposes of money laundering or terrorist financing.

The enactment of the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill 2019, which will transpose most of the 5th EU Anti-Money Laundering Directive, will enhance the State's ability to counter money laundering and terrorist financing. The Fifth EU Anti-Money Laundering Directive (2018/843) was adopted in May 2018 and work is ongoing to transpose this legislation. It brings virtual currencies in to the remit of the AML regime, among other amendments to tighten the regulatory net. The Bill provides for a regulation making power for the Minister for Finance in respect of screening provisions for international financial sanctions, and makes it an offence to breach such regulations. Elements relating to beneficial ownership information are being transposed by way of statutory instrument.



Ireland is a member of the Financial Action Task Force (FATF). Ireland's AML/CFT systems were first assessed by the FATF through the mutual evaluation process in 2006. As part of the Fourth Round of Mutual Evaluations, Ireland's AML/CFT systems were again assessed with an on-site assessment in November 2016, a plenary discussion in June 2017 and the publication of the Mutual Evaluation Report in September 2017. (reports can be found at: [Ireland's first follow up report \(FUR\) was submitted in October 2018. It detailed the positive progress made by Ireland on all of the Immediate Outcomes and on the Technical Compliance objectives. The report was noted at plenary by FATF. Ireland received a number of upgrades to the Technical Compliance ratings contained in its 2017 MER in June 2019, when its second follow report was approved by the FATF Plenary. These upgrades resulted in Ireland moving from FATF's enhanced follow up reporting group to the regular follow up reporting group, which reflected the positive progress made by Ireland since the 2017 MER.](http://www.fatf-gafi.org/publications/mutualevaluations/?hf=10&b=0&r=%2Bf%2Ffatf_country_en%2Fireland&s=desc(fatf_releasedate))</a>).</p></div><div data-bbox=)

The Department of Finance chairs the Anti-Money Laundering Steering Committee (AMLSC). The objective of the AMLSC is to assist its membership of government departments, agencies and competent authorities in fulfilling their mandates with respect to measures to combat money laundering and terrorist financing as provided for by Irish and European legislation and the Recommendations of the FATF. It includes representatives of the Department of Justice and Equality, An Garda Síochána, the Revenue Commissioners, the Central Bank of Ireland, the Department of Business, Enterprise and Innovation, the Criminal Assets Bureau, the Companies Registration Office, the Charities Regulatory Authority, and the Director of Public Prosecutions. The Department of Finance published its first National Risk Assessment for Ireland (Money Laundering and Terrorist Financing) in October 2016 in conjunction with the Department of Justice and Equality. Sector-specific updates to this assessment have been published in 2018 and 2019.. The Risk Assessment analyses Ireland's risks in this area in the hopes of enhancing the understanding of the risks and developing effective strategies to address these risks. The results help to inform policy and operations and the allocation of resources to the areas of highest risk. Since the conclusion of the FATF MER of Ireland in 2017, the Committee approved a multi-year implementation plan to address the findings of the MER, which includes measures to improve the combatting of Terrorist Financing.. Of the 205 actions on this plan, 91 have already been delivered.

The Central Bank of Ireland (the "Central Bank") has been the competent authority for the monitoring of financial institutions' compliance with AML/CFT obligations in Ireland since 2010. There are extensive AML/CFT preventive measures to combat money laundering and terrorist financing contained in Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 ("CJA 2010"). Where there are instances of non-compliance with AML/CFT obligations identified by the Central Bank, it takes measures to ensure corrective actions are put in place to ensure compliance. In addition to corrective actions being carried out, the Central Bank may apply administrative sanctions to credit and financial institutions that breach the provisions of the CJA 2010. The Central Bank monitors credit and financial institutions compliance with regulatory obligations by conducting onsite inspections and conducting desk based reviews including analysing information from compliance questionnaire responses received from financial

institutions. The Central Bank maintains a separate money laundering and terrorist financing risk assessment that informs its supervisory strategy.

The Central Bank has undertaken a number of outreach and awareness building activities in relation to countering the financing of terrorism. At recent speaking events and training seminars, the Central Bank has stressed the distinction between money laundering and terrorist financing to ensure that financial institutions are aware of the different approaches that are needed to be taken to identify terrorist financing when applying preventive measures. The Central Bank has enhanced its communications around terrorist financing by publishing FAQs and additional information on terrorist financing and targeted financial sanctions relating to terrorism on the Central Bank website. Additionally, the Central Bank's website is updated with all EU and UN updates on the Financial Sanctions updates page as they happen. A terrorist financing explained page has been published by the Central Bank that provides information as to what constitutes terrorist financing, and setting out measures to combat it. Please see link below:

<https://www.centralbank.ie/regulation/anti-money-laundering-and-countering-the-financing-of-terrorism/countering-the-financing-of-terrorism>

In addition, the Central Bank issued AML/CFT Guidance for the financial sector in September 2019, which contained a chapter on Financial Sanctions. Please see link below:

[Central Bank of Ireland AML/CFT Guidelines for the Financial Sector](#)

The Central Bank is also actively engaged in national and international policy discussions concerning terrorist financing. It participates as a member of the national AML and International Sanctions steering committees. It is a member of the European Supervisory Authorities' (ESAs) AML Standing Committee that examines money laundering and terrorist financing supervisory and preventive measures across the EU. It has previously provided representatives to a number of ESA working groups, including the working group on the Joint Opinion on the Risks of Money Laundering and Terrorist Financing Affecting the Unions Financial Sector and the working group to draft Regulatory Technical Standards on Central Contact Points as mandated to be provided by the ESAs under the 4th EU Money Laundering Directive. It has also provided technical assistance at the working group on the EU's supranational risk assessment. It is currently represented on a number of Committee working groups. The Central Bank is an active participant as part of the Irish delegation at the FATF and has inputted into terrorist financing- related policy developments. The Central Bank also continues to provide technical input into EU and FATF questionnaires on CFT preventive measures being carried out in Ireland and provides technical assistance in respect of regulatory policy formulation at the national and international policy levels.

The Department of Justice and Equality is the State Competent Authority for AML/CTF measures in the non-financial sector. The Anti-Money Laundering Compliance Unit in the Department of Justice and Equality is charged with monitoring AML/CTF compliance in a range of entities including Trust or Company Service Providers (TCSPs); High Value Goods Dealers (HVGDs) e.g. motor industry, jewelers, etc.; Private Members' Clubs (PMCs); Tax Advisers and external Accountants. Compliance is monitored in these sectors by way of both desktop examinations and on-site inspections. Inspections also serve as a

useful mechanism to raise awareness among entities of their obligations under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended by the Criminal Justice Act 2013 and the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018.. The AMLCU has its own dedicated website which sets out in a user-friendly manner the obligations of the different sectors; their authorization/registration requirements, where relevant; guides on the obligations of the various entities under legislation; information on risk; etc.

The Department of Justice and Equality through the Anti-Money Laundering/Counter Terrorist Financing (AML/CTF) Policy Co-ordination Unit is actively engaged along with representatives from Law Enforcement (FIU, CAB and An Garda Síochána) in the Anti-Money Laundering Steering Group chaired by the Department of Finance. All these organisations make significant contributions to the development of policy in this area and are actively involved in the on-going evaluation of Ireland by the FATF. An Garda Síochána are also involved at a European level in various groups e.g. EGMONT on issues relating to both money laundering and terrorist financing.

Other competent authorities designated under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 are the Law Society of Ireland in respect of solicitors; designated Accountancy Bodies in respect of accountants, auditors and tax advisors, the Bar Council of Ireland in respect of Barristers and the Property Service Regulatory Authority (PRSA) in respect of the real estate sector.

#### **Border controls:**

Immigration Officers appointed under section 3 of the Immigration Act 2003 may be civilian or members of An Garda Síochána. A person may be refused permission to enter the State where an immigration officer is satisfied that the non-national's entry into, or presence in, the State could pose a threat to national security or be contrary to public policy.

Extensive data sharing takes place between Ireland and the UK in the context of the protection of Common Travel Area.

In April 2016, the Council and European Parliament adopted a Directive on the use of Passenger Name Record (PNR) for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. Under it, each Member State is required to set up a Passenger Information Unit (PIU) with the resources necessary for it to fulfil its functions. The Irish PIU was transposed into Irish law on 25 May 2018 by the Department of Justice and Equality, and the Irish Passenger Information Unit (IPIU) formally established from that date to process both PNR and API data from air carriers. Currently legislation only allows for this information to be collected on extra EU flights.

#### **Travel document security:**

#### **Container and supply chain security:**

**Security of radioactive sources:**

Ireland is a member of the recently established EU CBRN Security Advisory Group. The Advisory Group's work will include reviewing and analysing evolving threats and risks; identifying gaps in prevention, detection, preparedness and response measures; advising on policy development; and mapping existing areas of expertise.

**Use of the Internet and other information networks for terrorist purposes:**

The Criminal Justice (Terrorist Offences) (Amendment) Act 2015 specifically provides that a terrorist-linked activity (as defined in the 2005 Act, as amended) may be committed wholly or partially by electronic means, such as over the Internet. This provision, which was inserted following consultation with the Irish Director of Public Prosecutions, is essentially for the avoidance of any legal doubt in this regard and reflects the prevalent use of modern technology in the context of terrorist activity.

The Criminal Justice (Offences Relating to Information Systems) Act 2017 commenced in June 2017. This legislation gives effect to the Directive 2013/40/EU on attacks against information systems. It provides for five new cybercrime offenses:

- Accessing an information system without lawful authority;
- Interfering with an information system without lawful authority so as to intentionally hinder or interrupt its functioning;
- Interfering with data without lawful authority;
- Intercepting the transmission of data without lawful authority; and
- Use of a computer, password, code or data for the purpose of the commission of any of the above offences.

Ireland's second National Cyber Security Strategy was published in December 2019. The aims of the strategy are as follows:

- The protection of the State, its people, and its critical national infrastructure from cybersecurity threats.
- Engagement with citizens and business to promote cybersecurity resilience
- Strategic engagement by the State, nationally and internationally, to support a free, open, peaceful and secure cyber space.

Ireland's National Cyber Security Centre (NCSC), encompasses the Computer Security Incident Response Team (CSIRT-IE) which focuses on the protection of critical national information infrastructure in key sectors.

The EU Directive on the Security of Network and Information Systems (NIS Directive) was transposed into Irish Law in September 2018. This is the first EU wide cybersecurity law, designed to build resilience by improving national cybersecurity capabilities and fostering cooperation between Member States.

Ireland participates in the EU PREVENT Cooperation Mechanism for the prevention of radicalisation, both online and offline. This mechanism, comprised of policy officials from EU Member States and the European Commission oversees and guides the work of two EU-funded expert networks comprising 5000 expert/practitioner members from Ireland and across Europe.

Ireland supports the EU Internet Forum initiative and its focus on continued partnership with industry as an effective way to improve content management, detection and removal of terrorist content.

With regard to restricting the availability of terrorist content online, An Garda Síochána co-operates with Europol's Internet Referral Unit and feeds into its processes as needed. Work is currently ongoing in An Garda Síochána to upscale their capacities in respect of this function, in conjunction with increased capacity in respect of the use of open source intelligence and other cyber resources.

Referrals of terrorist material are made directly to the internet and social media providers here, with whom the Gardaí have positive working relationships.

Ireland is engaged in ongoing negotiations of the proposed EU Regulation on Preventing the Dissemination of Terrorist Content Online. This is currently in trilogue process under the Croatian Presidency of the European Council.

**Legal co-operation including extradition:**

Ireland provides assistance in relation to criminal investigations and criminal proceedings in accordance with a range of international instruments dealing with mutual legal assistance. The assistance provided includes the obtaining of evidence and the freezing, confiscation and forfeiture of property. Ireland is a party to various international instruments providing for extradition and has also entered into a number of bilateral extradition agreements. Extradition between the Member States of the European Union is governed by the Framework Decision on the European Arrest Warrant which came into effect on 1 January 2004.

In Ireland, the Criminal Justice (Joint Investigation Teams) Act 2004 provides for the measures necessary to give effect to the EU Council Decision of 13 June 2002 of the Council of the European Union on Joint Investigation Teams. JITs are now an established efficient and effective cooperation tool amongst national investigative agencies when tackling cross-border crime and facilitate the coordination of investigations and prosecutions conducted in parallel across several States. The Criminal Justice (International Cooperation) Act 2019, made further provision in this regard to better facilitate the participation of members of the Irish police force, An Garda Síochána, in joint investigation teams.

**Safe havens and shelter to terrorists and terrorist organizations:**

Ireland is a Member State of the European Union (EU). Following the terrorist attacks in Madrid on 11 March 2004 the EU accelerated its work on combating terrorism and adopted the European Council declaration on Combating Terrorism and a revised EU Plan of action on combating terrorism. Immediately following on the terrorist attacks in London in July 2005, the EU adopted a series of new measures to further accelerate its work on combating terrorism.

Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA, which is binding on Ireland, was adopted in August 2013.

The objectives of this Directive are to approximate the criminal law of the Member States in the area of attacks against information systems by establishing minimum rules concerning the definition of criminal offences and the relevant sanctions and to improve cooperation between competent authorities, including the police and other specialised law enforcement services of the Member States, as well as the competent specialised Union agencies and bodies, such as Eurojust, Europol and its European Cyber Crime Centre, and the European Network and Information Security Agency (ENISA). The national legislation to give effect to the directive in Irish law is in preparation.

In December 2005, the European Council adopted the EU Counter-Terrorism Strategy. In the strategy, the EU commits itself to oppose terrorism globally, while respecting human rights, with a view to making Europe safer and enabling its citizens to live in freedom, security and justice. The strategy tackles terrorism under four headings: “prevent, protect, pursue, and respond”. The four key priority headings can be summarised as:

- The need to pursue and investigate terrorists across borders;
- The need to prevent people turning to terrorism;
- The need to protect citizens and infrastructure from terrorist attacks;
- The need to prepare ourselves to manage and minimise the consequences of a terrorist attack.

The Strategy is accompanied by a plan of action which sets out the detailed measures and steps required to give it effect. The plan of action represents a roadmap for future work and, where appropriate, includes deadlines for the achievement of specified objectives and/or progress on specified measures. The plan currently comprises some 120 separate actions and the European Council reviews progress on its implementation every six months.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

Ireland regularly deploys contingents of the Defence Forces abroad in the context of participation in international peacekeeping and peace enforcement under the auspices of the United Nations. Defence legislation provides for such deployment. Any stationing of Defence Forces personnel on the territory of another participating State will continue to be in accordance with relevant legislation, which contains the requirement for Government, Dáil Éireann (Parliament), and UN approval, known as the “triple lock”. Participation in the EU’s Common Security and Defence Policy, the European Defence Agency (EDA), and NATO PfP (Partnership for Peace) is consistent with Ireland’s core values and is considered essential to the continued development of Ireland’s ability to participate in the full range of UN-mandated missions as well as to the Defence Forces and the wider defence capability development, modernisation, and

transformation processes. If the number of Defence Forces personnel to be deployed exceeds twelve (12), the approval of Dáil Éireann (Parliament) is also required.

The Constitution of Ireland vests the right to raise and maintain military or armed forces exclusively in the Oireachtas and expressly prohibits the raising and maintenance of any other military or armed force for any purpose whatsoever.

**Military Intelligence provides regular assessments, reports and briefings to the Minister for Defence, the Chief of Staff of the Defence Forces and the Department of Defence on any threats to the security of the State and the national interest from internal or external sources. The National Security Committee meets on a regular basis and receives security briefings. Its role is to ensure that the Taoiseach and Government are kept informed of high-level security and crisis issues and the State's response to them. It receives threat assessments from the Garda Commissioner and the Chief of Staff. The committee comprises the Secretaries General to the Government, and of the Departments of Justice and Equality, Foreign Affairs and Trade and Defence, the Garda Commissioner and the Chief of Staff of the Defence Forces. Other Departments attend as required.**

Ireland has a national police service (the Garda Síochána) and the Defence Forces. There is no other paramilitary, internal security, intelligence or police forces in existence within the State outside these two bodies.

The Garda Síochána is established by legislation and its internal management is subject to regulations made by the Minister for Justice and Equality. The Garda Commissioner is financially accountable to the Public Accounts Committee of the Parliament for the expenditure of State monies on the Garda Síochána. The powers of the police are set out in statute and all their actions are subject to review by an active and constitutionally independent judiciary.

The Garda Síochána Act 2005, as amended, sets out the legislative structure for the management of the Garda Síochána, including the role and objectives of the Force, its relationship with the Minister and Government of the day, and its relationship with the Policing Authority (see below). The Legislation also established the Garda Síochána Ombudsman Commission, the primary function of which is to investigate complaints by members of the public against members of the Garda Síochána, and the Garda Síochána Inspectorate, to provide independent advice to the Minister in relation to the efficiency and effectiveness of the operations and administration of the Garda Síochána.

The Government has advanced a comprehensive programme of reform of the oversight, governance and accountability of An Garda Síochána, with the overall objective of ensuring that the confidence of the public in An Garda Síochána is maintained and the high quality and respected service that An Garda Síochána has provided is continued and enhanced to better meet the realities, requirements and expectations of 21<sup>st</sup> century policing.

The establishment of an independent Policing Authority on 1 January 2016 was at the core of the Government reform programme. The Authority has made significant impact since its inception. In addition to meeting regularly with the Commissioner and his management team to discuss the performance of An Garda Síochána in relation to policing matters and undertaking selection competitions for appointments to

senior ranks within An Garda Síochána, the Authority has focussed on its functions that have statutory deadlines and reform significance. These include agreeing Garda Strategy Statements, establishing Policing Priorities and Policing Plans, launching the Garda Code of Ethics and reporting on the Garda Síochána Protected Disclosures Policy. The role of the Authority is concerned with policing matters. These functions are very extensive in terms of overseeing the corporate governance, structures and performance of the Garda Síochána in the policing area. As national security is a vital function of Government, the Garda Commissioner will continue to account fully to the Government and to the Minister for Justice and Equality in relation to any aspect of his functions.

The independent Commission on the Future of Policing was established by Government and commenced work in May 2017. It was tasked with undertaking a comprehensive examination of all aspects of policing, including all functions carried out by An Garda Síochána. The terms of reference for the report tasked the Commission with bringing forward proposals addressing:

- The structures and management arrangements required for the most effective delivery of policing (including all functions currently carried out by An Garda Síochána – community safety, state security and immigration;
- The appropriate composition, recruitment and training of personnel;
- The culture and ethos of policing; and
- The appropriate structures for governance, oversight and accountability

In line with the terms of reference, the Commission structured its approach around the following themes:

- Governance, Oversight and Accountability
- Recruitment, Training and Professional Development
- The role of policing, including community safety, state security and immigration
- Technology and Digital Innovation
- Leadership and Structures

As set out in the terms of reference, the Commission drew upon a wide variety of knowledge, research and information sources to inform its work, including the expertise and experience of Commission members, research examining policing practices in other jurisdictions, previous reports on policing in Ireland and a broad-based and inclusive consultation process involving stakeholders, subject-matter experts, the general public and the personnel of An Garda Síochána.

The Commission published its report on 18 September 2018, setting out 157 key recommendations. The recommendations were subsequently accepted by Government and a four-year implementation plan titled “Policing Service for the Future” was published.

Implementation of the various recommendations is ongoing.

Full details of the report and implementation plan can be found at:

[http://www.justice.ie/en/JELR/Pages/Commission\\_on%20the\\_Future\\_of-Policing\\_in\\_Ireland](http://www.justice.ie/en/JELR/Pages/Commission_on%20the_Future_of-Policing_in_Ireland)



New legislation will replace the Garda Síochána Act, 2005 mentioned above. The Policing and Community Safety Bill is currently being drafted and is largely concerned with governance and oversight of the Garda Síochána, security matters and a new model of community policing.

Other reform measures included enactment of new legislation to strengthen the role and remit of the Garda Síochána Ombudsman Commission (GSOC), and enactment of Protected Disclosures Act 2014 which allows Garda members to make “protected disclosures” to GSOC in confidence in respect of alleged misconduct. In addition, Freedom of Information legislation now extends to aspects of the work of An Garda Síochána.

The authority to prosecute a person for a criminal offence rests with an independent officer, the Director of Public Prosecutions.

Ireland has no paramilitary force.

Ireland has no internal security force.

## **2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

The Constitution of Ireland vests supreme command of the Defence Forces in the President and provides that the exercise of command shall be regulated by Law. The Defence Acts, 1954 - 2015, provides that military command of, and all executive and administrative powers in relation to the Defence Forces including the power to delegate command and authority, shall be exercisable by the Government through and by the Minister for Defence.

Ireland has no paramilitary force.

Ireland has no internal security force.

## **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The ‘White Paper on Defence’ 2015, sets out Ireland’s defence policy framework over a ten year period. Based on a forward looking assessment of the security environment, the White Paper sets out the defence policy response to security challenges, , including the defence contribution to international peace and security. One of the key initiatives contained in the White Paper is a commitment by Government to put in place a new fixed cycle of defence reviews, to be carried out on a three yearly cycle. These reviews, which are common internationally, are intended to ensure that defence policy remains up to date and to bring certainty and regularity to the process of defence planning and overall preparedness. The first of these reviews was the White Paper Update, published in December 2019.

The White Paper provides that the roles of the Defence Forces are as follows:

- To provide for the military defence of the State from armed aggression;
- To participate in multi-national peace support, crisis management and humanitarian relief operations in accordance with Government direction and legislative provision;
- To aid the civil power – meaning in practice to assist, when requested, An Garda Síochána, who have primary responsibility for law and order, including the protection of the internal security of the State;
- To contribute to maritime security encompassing the delivery of a fishery protection service and the operation of the State’s Fishery Monitoring Centre, and in co-operation with other agencies with responsibilities in the maritime domain, to contribute to a shared common maritime operational picture;
- To participate in the Joint Taskforce on Drugs interdiction;
- To contribute to national resilience through the provision of specified defence aid to the civil authority (ATCA) supports to lead agencies in response to major emergencies, including cyber security emergencies, and in the maintenance of essential services, as set out in MOUs and SLAs agreed by the Department of Defence;
- To provide a Ministerial air transport service (MATS);
- To provide ceremonial services on behalf of Government;
- To provide a range of other supports to government departments and agencies in line with MOUs and SLAs agreed by the Department of Defence e.g. search and rescue and air ambulance services;
- To contribute to Ireland’s economic well-being through engagement with industry, research and development and job initiatives, in support of government policy;
- To fulfil any other tasks that Government may assign from time to time.

The Department of Defence and Defence Forces Strategy Statement 2017 – 2020 sets out the high level goal *“To provide for the military defence of the State, contribute to national and international peace and security and fulfil all other roles assigned by Government”* and key strategies that will be pursued by the organisation over the period 2017 - 2020.

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security building as an element of indivisible security are implemented in good faith.**

Ireland is committed to working to achieve a more peaceful, secure and prosperous world. We recognise that the spread of weapons of all kinds fuels conflict, contributes to human rights abuses, and hinders development. Ireland is party to a number of international agreements that seek to eliminate certain categories of weapons, or ensure that their spread and use is controlled, and Ireland continues to play a leading role in efforts to promote disarmament, non-proliferation and the regulation of new weapons. Ireland promotes a holistic approach to realising arms control, disarmament and non-proliferation

commitments, striving for synergies with the 2030 Sustainable Development Agenda, the Women Peace and Security Agenda, and the United Nations Secretary-General's Agenda for Disarmament, among other frameworks.

Disarmament and non-proliferation of nuclear weapons have historically been key foreign policy objectives for Ireland, which was the first State invited to sign the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Ireland has remained a strong voice in support of the commitments undertaken by NPT States Parties since the Treaty's entry into force. Ireland has signed and taken steps to ratify all relevant disarmament, non-proliferation and arms control treaties and agreements, actively participates in diplomatic meetings of States Parties, and submits annual reports to the relevant bodies. In 2016, Ireland was one of the lead sponsors of a Resolution at the United Nations, which led to the negotiation of the Treaty on the Prohibition of Nuclear Weapons (TPNW). The adoption of the TPNW in 2017 was an important step towards the fulfilment of the nuclear disarmament commitments outlined in the NPT. Ireland signed the TPNW in September 2017 and is in the process of ratifying. The Prohibition of Nuclear Weapons Act 2019, which gives effect to the TPNW in Irish law, came into effect in January 2020.

Ireland was particularly engaged on the issue of the use of explosive weapons in populated areas (EWIPA) in 2019. The use of EWIPA has long-term humanitarian and development impacts, which far outlast the conflicts in which they are used. In 2019, Ireland announced that we will act as a Champion for the call by the UN Secretary-General in his Agenda for Disarmament, to move forward international efforts to develop a political declaration on EWIPA. Ireland has been active in building support among the international community toward this goal, including by leading two joint statements on EWIPA at the United Nations General Assembly First Committee in 2018 and 2019 respectively, which garnered the support of a wide range of UN Member States. In November 2019, Ireland convened the first of a series of international consultations in Geneva to elaborate a political declaration, with the aim of agreeing a text designed to reduce the humanitarian harm from the use of EWIPA, and strengthening the protection of civilians in armed conflict. Ireland remains actively engaged in leading the international effort towards a political declaration on EWIPA.

The issue of the use of chemical weapons has emerged as a major topic in the disarmament sphere. Ireland has been actively engaged in the range of legal and political, international diplomatic efforts that have emerged in recent years to counter the marked increase in the use of chemical weapons. In addition to supporting the establishment of an attribution mechanism in the framework of the Convention on Chemical Weapons (CWC), Ireland joined the French-led International Partnership against the Impunity for the Use of Chemical Weapons and supported the establishment of a European Union autonomous chemical weapons sanction regime. To contribute to efforts to build on international commitments made under the CWC, Ireland also supported proposals to update the Convention's schedules to include a number of chemicals that were previously not subject to declaration and verification. Ireland also remains engaged in the Biological and Toxin Weapons Convention and continues to support civil society engagement in the space.

In the arms control space, Ireland is an active supporter of efforts towards the universalisation and effective implementation of the Arms Trade Treaty (ATT), which promotes robust and legally binding, common international standards for the import, export and transfer of conventional arms, taking full account of human rights obligations and international humanitarian law. The ATT was the first international treaty to

formally recognise the link between armed conflict and gender-based violence (GBV) through its GBV risk assessment provision. Ireland advocated strongly in favour of this provision during the ATT negotiations, and remains a champion towards realising its implementation, including by supporting civil society engagement on this issue on the ATT framework.

Ireland has also demonstrated its commitment to arms control through its continual work on instruments governing the use, stockpiling and trade of conventional arms. In recent years, we have taken efforts to improve recognition of the serious challenges posed by the illicit trade in both SALW and their ammunition. Ireland remains actively engaged in the United Nations Programme of Action on small arms and light weapons (UNPOA) and continues to call for greater synergies between the UNPOA, the Arms Trade Treaty and other relevant initiatives.

Ireland plays an active role across the disarmament, non-proliferation and arms control framework, including on new and emerging issues and challenges to indivisible security. For example, Ireland has worked with likeminded European and other partners to build commonality in discussions on lethal autonomous weapons systems (LAWS) in the framework of the Convention on Certain Conventional Weapons (CCW).

Furthermore, Ireland strongly supports the process of developing strict controls on arms transfers and works actively to promote the objective of strengthening global arms controls. Ireland is actively engaged in export control regimes such as the Nuclear Suppliers Group, the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime (MTCR). Ireland co-chaired the MTCR together with Iceland from October 2017 to October 2018; a very successful Plenary meeting was held in Dublin in October 2017. In 2018, Ireland also joined the Nuclear Security Summit Contact Group as part of our efforts to promote nuclear security.

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

Ireland supports, and is an active participant in the development of the European Union's policies in this field. The Irish delegation to the OSCE is actively engaged in the various negotiating forums relating to arms control within the OSCE framework. Ireland has also made significant financial contributions in support of the destruction of anti-personnel mines and other munitions of war in the OSCE area, and is working actively to promote universalisation and full implementation of the Convention on Cluster Munitions, including in the area of clearance.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

#### **1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?**

The Constitution of Ireland provides that the right to raise and maintain military or armed forces is vested exclusively in the Oireachtas (both upper and lower Houses of Parliament). It also specifically prohibits the raising of any military forces other than those raised by the Oireachtas.

The Defence Act 1954-2015 expressly gives authorisation to the Government to raise, train, equip, arm, pay and maintain defence Forces. The military command of, and all executive and administrative powers in relation, to the Defence Forces are exercisable by Government, through and by the Minister for Defence. The Defence Act also makes provision for the delegation of command and authority by the Minister for Defence to officers of the Defence Forces.

The Department of Defence was established by the Ministers and Secretaries act, 1924 and the Act assigns to the Department “the administration and business of the raising, training, organisation, maintenance, equipment, management, discipline, regulation and control according to law of the military defence forces”. The Act provides that the Minister is “Head” of the Department. The Minister is assisted in discharging his functions by the civil and military elements of the Department. The Secretary General is the “principal officer” of the Department and is also appointed by the Minister for Finance as the Accounting Officer for all defence expenditure in accordance with the Exchequer and Audit Departments Act 1866. The authority, responsibility and accountability of the Secretary General are further elaborated in the Comptroller and Auditor General (Amendment) Act, 1993 and the Public Service Management Act, 1997. The 1997 Act also requires the Secretary General to prepare a Strategy Statement for the Minister’s approval and an Annual Report on performance.

Public funds for defence purposes are provided through funds voted by the Dáil (Parliament) in the Defence Vote. Estimates for public service expenditure, which includes the Vote for Defence, are published annually by the Government Publications Office. In addition, the Secretary General of the Department of Defence is financially accountable to the Committee of Public Accounts of the Parliament for the expenditure from the Defence Vote of public monies on the Defence Forces.

The Defence Acts 1954 - 2015 provide for the regulation of the Defence Forces. It provides that “it shall be lawful for the Government to raise, train, equip, arm, pay and maintain ‘Defence Forces to be called and known as Óglaigh na hÉireann or (in English) the Defence Forces’”. This Legislation further provides that “under the direction of the President, and subject to the provisions of this act, the military command of, and all executive and administrative powers in relation to, Defence Forces, including the power to delegate command and authority, shall be exercisable by the Government, and, subject to such exceptions and limitations as the Government may from time to time determine, through and by the Minister” (the Minister referred to is the Minister for Defence).

The Act also provides for delegation by the Minister of military command to General Officers Commanding the Brigades, the Defence Forces Training Centre, the Air Corps and the Flag Officer Commanding the Naval Service. In practice, matters relating to command are normally channeled through the Chief of Staff. In effect, this means that day-to-day operational control of the Defence Forces rests with the Chief of Staff for which he is directly responsible to the Minister.

The Defence Forces are organised on conventional military lines providing a sufficiently flexible structure to carry out all the roles assigned by Government. The Defence Forces consist of a Permanent Defence Force (PDF) and a Reserve Defence Force (RDF). The former is a standing force and provides the primary capabilities for military operations at home and military peace support operations abroad. The Permanent Defence Force consists of the Army, the Air Corps and the Naval Service. The approved Permanent Defence Forces establishment is 9,500. The Reserve Defence Force consists of the First Line Reserve, Army Reserve and Naval Service Reserve. The First Line Reserve consists of former trained members of the PDF who are available at short notice to supplement the PDF in times of emergency. The approved establishment of the Army Reserve is 3,869 and the Naval Service Reserve is 200. There is no fixed establishment for the First Line Reserve.

## **1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Ireland's White Paper on Defence 2015, sets out Government policy on Defence and recognises that the maintenance and development of military capability requires a broad range of actions within the Department of Defence and the Defence Forces. These actions include, but are not limited to; investment in new equipment, education and training, maintenance and development of infrastructure, ongoing review of military doctrine, the development of appropriate HR policies and the development of regulatory frameworks. In broad terms, the White Paper provides that the Defence Forces will continue to retain a range of flexible conventional military capabilities, including Special Operations Forces (SOF), in order to meet the roles assigned and as a hedge to future uncertainty. The White Paper also provides that the Department of Defence will develop a detailed capability development plan. The framework for the capability development process will be coordinated by senior management structures in place, including the Strategic Management Committee, the Management Board, the General Staff and the High Level Planning and Procurement Group.

The White Paper on Defence Update was published in 2019 and reaffirmed the defence policy as set out in the 2015 White Paper.

The Department of Defence and Defence Forces Strategy Statement 2017-2020, encompasses the civil and military elements of the Department of Defence and the Defence forces, and sets out a shared High Level Goal: "To provide for the military defence of the State, contribute to national and international peace and security and fulfil all other roles assigned by Government." This High Level Goal comprises three broad Strategic Dimensions: Defence Policy; Ensuring the Capacity to Deliver; and Defence Forces Operational Outputs. Under each Strategic Dimension, a number of Strategic Goals are identified and flowing from these are the identified priority Objectives and Actions which will be pursued over the period 2017 to 2020.

A specified Objective in the Saltrategy Statement is the “Development and maintenance of capabilities in fulfilment of assigned roles at home and overseas”.

## **2. Existing structures and processes**

### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

The Constitution of Ireland vests the right to raise and maintain military or armed forces exclusively in the Oireachtas and expressly prohibits the raising and maintenance of any other military or armed force for any purpose whatsoever.

The Defence Act 1954-2015 expressly gives authorisation to the Government to raise, train, equip, arm, pay and maintain defence forces. The military command of, and all executive and administrative powers in relation to, the Defence Forces are exercisable by Government, through and by the Minister for Defence. The Defence Act also make provision for the delegation of command and authority by the Minister for Defence to officers of the Defence Forces.

The Department of Defence was established by the Ministers and Secretaries act, 1924 and the act assigns to the department “the administration and business of the raising, training, organisation, maintenance, equipment, management, discipline, regulation and control according to law of the military defence forces”. The Act provides that the Minister is “Head” of the Department. The Minister is assisted in discharging his functions by the civil and military elements of the Department. The Secretary General is the “principal officer” of the Department and is also appointed by the Minister for Finance as the Accounting Officer for all defence expenditure in accordance with the Exchequer and Audit Departments Act 1866. The authority, responsibility and accountability of the Secretary General are further elaborated in the Comptroller and Auditor General (Amendment) Act, 1993 and the Public Service Management Act, 1997. The 1997 Act also requires the Secretary General to prepare a Strategy Statement for the Minister’s approval and an Annual Report on performance.

Military Intelligence provides regular assessments, reports and briefings to the Minister for Defence and the Department of Defence in respect of the State and the safety and security of the Defence Forces’ personnel deployed overseas on peace support operations. It also liaises with An Garda Síochána as appropriate in relation to matters of common concern.

The Cabinet Committee on Security was established by Government in July 2019, replacing the existing Cabinet Committee F (National Security). The Committee was established to deal with matters relating to Justice, Defence, Garda reform and national security. The Committee comprises Members of relevant Departments along with their officials and representatives of An Garda Síochána and the Defence Forces. Separately, the National Security Committee meets on a regular basis and receives security briefings. Its role is to ensure that the Taoiseach and Government are kept informed of high-level security and crisis issues and the State’s response to them. It receives threat assessments from the Garda Commissioner and the Chief of Staff. The Committee comprises the Secretaries General to the Government, and of the Departments of Justice and Equality, Foreign Affairs and Trade and Defence, the Garda Commissioner and

the Chief of Staff of the Defence Forces. Ireland has a national police service (An Garda Síochána) and the Defence Forces. There is no other paramilitary, internal security, intelligence or police forces in existence within the State outside these two bodies.

The Garda Síochána is established by legislation and its internal management is subject to regulations made by the Minister for Justice and Equality. The Garda Commissioner is financially accountable to the Public Accounts Committee of the Parliament for the expenditure of State monies on the Garda Síochána. The powers of the police are set out in statute and all their actions are subject to review by an active and constitutionally independent judiciary.

The Garda Síochána Act 2005, as amended, sets out the legislative structure for the management of the Garda Síochána, including the role and objectives of the Force, its relationship with the Minister and Government of the day, and its relationship with the Policing Authority (see below). The Legislation also established the Garda Síochána Ombudsman Commission, the primary function of which is to investigate complaints by members of the public against members of the Garda Síochána, and the Garda Síochána Inspectorate, to provide independent advice to the Minister in relation to the efficiency and effectiveness of the operations and administration of the Garda Síochána.

The Government has advanced a comprehensive programme of reform of the oversight, governance and accountability of An Garda Síochána, with the overall objective of ensuring that the confidence of the public in An Garda Síochána is maintained and the high quality and respected service that An Garda Síochána has provided is continued and enhanced to better meet the realities, requirements and expectations of 21<sup>st</sup> century policing.

The establishment of an independent Policing Authority on 1 January 2016 is at the core of the Government reform programme. The Authority has made significant impact since its inception. In addition to meeting regularly with the Commissioner and his management team to discuss the performance of An Garda Síochána in relation to policing matters and undertaking selection competitions for appointments to senior ranks within An Garda Síochána, the Authority has been focusing on its functions that have statutory deadlines and reform significance. These include agreeing the Garda Strategy Statement 2016-2018, establishing Policing Priorities and Policing Plans, launching the Garda Code of Ethics and reporting on the Garda Síochána Protected Disclosures Policy. The role of the Authority is concerned with policing matters. These functions are very extensive in terms of overseeing the corporate governance, structures and performance of the Garda Síochána in the policing area. As national security is a vital function of Government, the Garda Commissioner will continue to account fully to the Government and to the Minister for Justice and Equality in relation to any aspect of his functions.

Under the new governance arrangements, the Garda Commissioner will retain operational independence and the Minister will remain accountable for policing to the Oireachtas (Parliament); the framework in which these functions are exercised will change to reflect the new oversight role of the Authority.

Other reform measures include enactment of new legislation to strengthen the role and remit of the Garda Síochána Ombudsman Commission (GSOC), and enactment of Protected Disclosures Act 2014 which allows Garda members to make “protected disclosures” to GSOC in confidence in respect of alleged



misconduct. In addition, Freedom of Information legislation now extends to aspects of the work of An Garda Síochána.

The authority to prosecute a person for a criminal offence rests with an independent officer, the Director of Public Prosecutions.

Ireland has no paramilitary force; Ireland has no internal security force.

## **2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

The Constitution of Ireland vests supreme command of the Defence Forces in the President and provides that the exercise of command shall be regulated by Law. The Defence Acts, 1954– 2015, provides that military command of, and all executive and administrative powers in relation to the Defence Forces including the power to delegate command and authority, shall be exercisable by the Government through and by the Minister for Defence.

Ireland has no paramilitary force; Ireland has no internal security force.

## **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The ‘**White Paper on Defence**’ 2015, sets out Ireland’s defence policy framework over a ten year period. Based on a forward looking assessment of the security environment, the White Paper sets out the defence policy response to security challenges, , including the defence contribution to international peace and security. One of the key initiatives contained in the White Paper is a commitment by Government to put in place a new fixed cycle of defence reviews, to be carried out on a three yearly cycle. These reviews, which are common internationally, are intended to ensure that defence policy remains up to date and to bring certainty and regularity to the process of defence planning and overall preparedness. The first of these reviews was the White Paper Update, published in December 2019.

The White Paper provides that the roles of the Defence Forces are as follows:

- To provide for the military defence of the State from armed aggression;
- To participate in multi-national peace support, crisis management and humanitarian relief operations in accordance with Government direction and legislative provision;
- To aid the civil power – meaning in practice to assist, when requested, An Garda Síochána, who have primary responsibility for law and order, including the protection of the internal security of the State;
- To contribute to maritime security encompassing the delivery of a fishery protection service and the operation of the State’s Fishery Monitoring Centre, and in co-operation with other

agencies with responsibilities in the maritime domain, to contribute to a shared common maritime operational picture;

- To participate in the Joint Taskforce on Drugs interdiction;
- To contribute to national resilience through the provision of specified defence aid to the civil authority (ATCA) supports to lead agencies in response to major emergencies, including cyber security emergencies, and in the maintenance of essential services, as set out in MOUs and SLAs agreed by the Department of Defence;
- To provide a Ministerial air transport service (MATS);
- To provide ceremonial services on behalf of Government;
- To provide a range of other supports to government departments and agencies in line with MOUs and SLAs agreed by the Department of Defence e.g. search and rescue and air ambulance services;
- To contribute to Ireland's economic well-being through engagement with industry, research and development and job initiatives, in support of government policy;
- To fulfil any other tasks that Government may assign from time to time.

The Department of Defence and Defence Forces Strategy Statement 2017-2020 sets out the high level goal *"To provide for the military defence of the State, contribute to national and international peace and security and fulfil all other roles assigned by Government"* and key strategies that will be pursued by the organisation over the period 2017-2020.

### **3. Procedures related to different forces personnel**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

The Irish Defence Forces consist of the Permanent Defence Force, the members of which are full-time professional personnel and the Reserve Defence Force, the members of which are part-time volunteers and former members of the Permanent Defence Force. Ireland has never had conscription. Recruitment to all elements of the Defence Forces is and always has been on a voluntary basis. No change in this policy is envisaged, recruitment is open to both men and women.

Under the Defence Act 1954 – 2015, members of the Permanent Defence Forces are subject to military law at all times. During a period of emergency, members of the Reserve Defence Force may be called out on permanent service by proclamation of the Government. Members of the Reserve Defence Forces may also be called out by Ministerial direction in aid of the civil power in the maintenance or restoration of the public peace.

Ireland Has No Paramilitary Force.

Ireland Has No Internal Security Force.

### **3.2 What kind of exemptions or alternatives to military service does your State have?**

Not Applicable. Ireland has never had conscription. Recruitment to all elements of the Defence Forces is and always has been on a voluntary basis. No change in this policy is envisaged, recruitment is open to both men and women.

### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

Members of the Defence Forces have all the legal protections and entitlements afforded to citizens of the State except where they are expressly exempted by legislation. In addition, Defence legislation provides for a redress of wrongs system for every member of the Defence Forces. Section 114 of the Defence Acts 1954-2015 provides that any member of the Defence Forces, who consider themselves to have been wronged in any matter, may make a complaint and have it investigated and redressed. Where the wrong is proven, redress is offered to the complainant. In the event that the complainant is unhappy with the internal military investigations or with the proposed redress, they can have their complaint forwarded to the Ombudsman for the Defence Forces.

Since 2004 the Dignity Charter for the Defence Forces commits all ranks to supporting a service environment that encourages and supports the right to dignity at work. This charter works in conjunction with the Defence Forces Equality Policy (2016) which outline the Defence Forces commitment to promoting equality in all aspects of its work, both at home and while deployed in an overseas environment.

The establishment of the Office of the Ombudsman for the Defence Forces pursuant to the Ombudsman (Defence Forces) Act 2004 has been of major significance and now provides a further option for complainants. The function of the Ombudsman for the Defence Forces is to act as the ultimate point of appeal for, and administrative investigation into, complaints made by members (and former members) of the Defence Forces against another member (or former member) of the Defence Forces, or against a civil servant of the Department of Defence. The Ombudsman may investigate a complaint in respect of an action or decision, which may have adversely affected the complainant personally.

The Defence (Amendment) Act 2007 introduced into the Defence Forces a revised system of military justice, which is fully compatible with Article 6 of the European Convention on Human Rights. Procedures have been put in place, which ensure that a person charged with an offence is fully aware of his/her rights in relation to summary investigations and is guaranteed trial by a fair and impartial tribunal for more serious offences or if the person charged so elects. A right of appeal is afforded in all cases.

## **4. Implementation of other political norms, principles, decisions and international humanitarian law**

**4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?**

The Law of War (also International Humanitarian Law 'IHL' and the Law of Armed Conflict 'LOAC') is included as a comprehensive module in the syllabi of all career courses for officers and enlisted persons. Legal officers and officers responsible for the delivery of such training in the Law of Armed Conflict attend courses at the International Institute of Humanitarian Law, San Remo, Italy as well as other Institutions, such as the NATO School at Oberammergau. All personnel proceeding on active service overseas are briefed on the Law of Armed Conflict and relevant international human rights law. Courses on Human Rights are conducted on a regular basis at the Defence Forces Training Centre.

**4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The courses mentioned at paragraph 4.1 routinely stress the nature of individual Criminal liability for acts and omissions in the context of criminal accountability and responsibility for ones (own) actions.

The Irish Defence Forces have a workplace policy on human rights and a dignity charter designed to create awareness of the Defence Forces' role and obligations in relation to gender-based violence and human rights. Furthermore, the Defence Forces ensures that its personnel deploying on active service to missions throughout the world receive detailed instruction in the areas of human rights afforded to minorities and women, cultural awareness issues and codes of conduct and behaviour both for the conduct of their (respective) missions and also their individual behaviour. The instruction is tailored in order to fit a mission specific profile and to further contribute to Ireland's obligations pursuant to UN Security Council Resolution (UNSCR) 1325 and the UN Sec Gen Bulletin on Zero Tolerance (2003).

Ireland's first National Action Plan on UNSCR 1325 for 2011-2014 has now elapsed. A Monitoring Group, which includes representatives of the Defence Forces, was established to monitor the attainment of the objectives of the National Action Plan and a Mid-term review and Final report of Ireland's first National Action Plan have been completed by independent consultants on behalf of the Department of Foreign Affairs and Trade.

Ireland's second National Action Plan on Women, Peace and Security, 2015-2018, seeks to build on the momentum and successes of Ireland's first National Action Plan. The development of the National Action Plan also involved a comprehensive consultation process with governmental departments and agencies, including the Defence Forces, and also with relevant civil society and non-governmental organisations.

The Defence Forces have published a Second Defence Forces Action Plan on the Implementation of UNSCR 1325. The Defence Forces have also created a specific Staff Officer Gender Advisory expert appointment to mainstream gender in the Defence Forces, to co-ordinate professional development and training in this field, and to monitor the application of UNSCR 1325 across all of the Defence Forces activities at home and abroad. Gender Advisors have also been appointed into each Brigade/Formation and the training of Gender Focal Points at every level in the Defence Forces is on-going. All career courses and overseas predeployment training have been updated to include a gender perspective and briefings on

UNSCR 1325. Our reporting mechanisms in UNIFIL include a gender specific report which is compiled by the gender focal point which advises the unit commander on incorporating a gender perspective throughout their operations.

**4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

The 2015 ‘White Paper on Defence’, which sets out Government policy on defence, outlines the roles of the Defence Forces. These roles include the provision of Aid to the Civil Power, which always requires a specific request from the Civil Authorities. Requests for Aid to the Civil Power could, inter alia, include policing tasks for members of the Defence Forces.

The employment of Defence Forces personnel in any policing role within the State is governed by Defence Force Regulations (DFRs), which are derived from the Defence Acts 1954 to 2015. DFR CS1, entitled “Employment of troops in aid of the Civil Power in the maintenance or restoration of the Public Peace”, governs such employment of Defence Forces personnel.

**4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?**

Specific provision is made for the rights of Defence Forces personnel to vote in national and local elections. Part X of General Routine Order 43 of 1955 provides for the implementation of the relevant Electoral Acts. The Defence Acts provides for “Prohibition of membership of political and secret societies”, and for “Disqualification for membership of a local authority”.

**4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?**

Defence Policy, which is articulated via the White Paper on Defence, forms the basis for Defence Forces Doctrine. Defence Forces Doctrine describes the fundamental principles by which our state forces guide their actions in support of National Objectives. In formulating its doctrine the Defence Forces seek, at all times, to ensure that it is consistent with international law, international norms and international standards.

### **Section III: Public access and contact information**

#### **1. Public access**

##### **1.1 How is the public informed about the provisions of the Code of Conduct?**

The manner in which the Code of Conduct is implemented in Ireland is made public on the Defence Forces' official website [www.military.ie](http://www.military.ie).

##### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

Ireland's responses to the Questionnaire on the Code of Conduct are made publicly available on the OSCE's website.

##### **1.3 How does your State ensure public access to information related to your State's armed forces?**

Information concerning the Defence Forces is available through the Defence Forces official website [www.military.ie](http://www.military.ie). Also, information concerning the Defence Forces is available to the public through the Department of Defence and Defence Forces Annual Reports and the Department of Defence and Defence Forces Strategy Statement 2017-2020.

Specific requests for information concerning the Defence Forces may be made under the Freedom of Information Acts 1997 and 2003.

#### **2. Contact information**

##### **2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

OSCE Section  
Department of Foreign Affairs and Trade  
80 St. Stephen's Green  
Dublin 2  
Ireland

## ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to preventing and combating terrorism and related co-operation in criminal matters. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

Name of the treaty	Party by: ratification <b>P(R)</b> , accession <b>P(a)</b> , succession <b>P(s)</b> , acceptance <b>P(A)</b> , approval <b>P(AA)</b> , or Not party	Law and date of ratification, accession, succession, acceptance, or approval
<b>Universal legal instruments</b>		
Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)	<b>P(R)</b>	The criminal acts referred to in this Convention are established as offences by section 11 of the Air Navigation and Transport Act 1973.  Ratified 14 November 1975
Convention for the Suppression of Unlawful Seizure of Aircraft (1970)	<b>P(a)</b>	The criminal acts referred to in this Convention are established as offences by section 11 of the Air Navigation and Transport Act 1973.  Acceded 24 November 1975
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)	<b>P(a)</b>	The criminal acts referred to in the Convention are established as offences by section 3 of the Air Navigation and Transport Act 1975.  Acceded 12 October 1976
Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)	<b>P(R)</b>	The criminal acts referred to in this Convention are established as offences by section 11 of the Criminal Justice (Terrorist Offences) Act 2005. The

		<p>Criminal Justice (Terrorist Offences) Act 2005, enacted on 8 March, 2005, enabled Ireland to ratify this Convention, which entered into force in Ireland on 30 June 2005.</p> <p>Ratified 1 July 2005</p>
International Convention against the Taking of Hostages (1979)	<b>P(R)</b>	<p>The criminal acts referred to in this Convention are established as offences by section 9 of the Criminal Justice (Terrorist Offences) Act 2005. The Criminal Justice (Terrorist Offences) Act 2005, enacted on 8 March, 2005, enabled Ireland to ratify this Convention, which entered into force in Ireland on 30 June 2005.</p> <p>Ratified 1 July 2005</p>
Convention on the Physical Protection of Nuclear Material (1979)	<b>P(R)</b>	<p>The criminal acts referred to in the Convention are established as offences by section 38 of the Radiological Protection Act 1991.</p> <p>Ratified 6 September 1991</p>
Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)	<b>P(R)</b>	<p>The criminal acts referred to in the Convention are established as offences by section 3 of the Air Navigation and Transport Act 1975 and section 51 of the Air Navigation and Transport (Amendment) Act 1998.</p> <p>Ratified 26 July 1991</p>
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)	<b>P(a)</b>	<p>The offences created in the Convention are established as offences in Irish domestic law in the Maritime Security Act 2004.</p> <p>Acceded 10 September 2004</p>



Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)	P(a)	The offences created in the Convention are established as offences in Irish domestic law in the Maritime Security Act 2004.  Acceded 10 September 2004
Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991 )	P(a)	The instrument of Accession was deposited with the International Civil Aviation Authority in Montreal on 15 July 2003, and the Convention entered into force for Ireland on 13 September 2003.
International Convention for the Suppression of Terrorist Bombings (1997)	P(R)	The criminal acts referred to in this Convention are established as offences by section 10 of the Criminal Justice (Terrorist Offences) Act 2005. The Criminal Justice (Terrorist Offences) Act 2005, enacted on 8 March, 2005, enabled Ireland to ratify this Convention, which entered into force in Ireland on 30 June 2005.
International Convention for the Suppression of the Financing of Terrorism (1999)	P(R)	The criminal acts referred to in this Convention are established as offences by section 13 of the Criminal Justice (Terrorist Offences) Act 2005. The Criminal Justice (Terrorist Offences) Act 2005, enacted on 8 March, 2005, enabled Ireland to ratify this Convention, which entered into force in Ireland on 30 June 2005.
International Convention for the Suppression of Acts of Nuclear Terrorism (2005)		The preparation of enabling national legislation to ratify the Convention has commenced.
Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	P(R)	Ratified 22 September 2014
Protocol to the Convention for the Suppression of Unlawful Acts against		

the Safety of Maritime Navigation (2005)		
Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (2005)		
Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (2010)	Not Party	
Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (2010)	Not Party	
The United Nations Convention Against Transnational Organized Crime (2000)	P(R)	Ireland ratified this Convention on 17 June 2010.
<b>The Council of Europe legal instruments</b>		
European Convention on the Suppression of Terrorism (1977) CETS No: 090	P(R)	Ireland ratified this Convention on 21 February 1989.
Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	Not Party	Ireland signed this Protocol on 15 May but has not yet ratified it.
Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196	Not Party	Criminal Justice (Terrorist Offences) (Amendment) Act 2015, currently before the Irish Parliament, will facilitate ratification of this Convention, which has already been signed by Ireland.
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198	Not Party	The money laundering provisions of this Convention are already covered in Irish legislation, the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. Legal advice is being sought in relation to some technical aspects of ratification. It is intended that

		arrangements for Ireland to become a party to this Convention will be made following resolution of these matters.
European Convention on Extradition (1957) CETS No: 024	P(R)	Ireland ratified the Convention on 02 May 1966 initially. This ratification was confirmed by way of deposit of a new instrument of ratification on 12 July 1988.
Additional Protocol to the European Convention on Extradition (1975) CETS No: 086	Not Party	
Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098	P(R)	Ireland ratified the additional protocol on 22 March 2019
European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	P(R)	Ireland ratified the Convention on 28 November 1996.
Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099	P(R)	Ireland ratified the Additional Protocol on 28 November 1996, reserving the right not to accept Chapters II and III.
Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182 European Convention on the Transfer of Proceedings in Criminal Matters (1972) CETS No: 073	P(R)	Ireland ratified the Second Additional Protocol on 26 July 2011.
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141	P(R)	Ireland ratified the Convention on 28 November 1996.
Convention on Cybercrime (2001) CETS No: 185	Not Party	Ireland signed the Convention on 28 February 2002 but has not yet ratified it.

Please list below any **other regional, subregional or bi-lateral agreements or arrangements** relevant to preventing and combating terrorism and related co-operation in criminal matters, to which your country is a party.

Agreement between the Government of Ireland and the Government of the Russian Federation on co-operation in combating illicit trafficking and abuse of narcotic drugs and psychotropic substances, signed at Moscow on 15 September 1999 and entered into force on 22 July 2000
Agreement between the Government of Ireland and the Government of the Russian Federation on Co-operation in Fighting Crime signed at Moscow on 15 September 1999 and entered into force on 22 July 2000
Agreement between the Government of Ireland and the Government of the Republic of Hungary on Co-operation in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other Serious Crime, signed at Budapest on 3 November 1999 and entered into force on 17 August 2000
Agreement between the Government of Ireland and the Government of the Republic of Poland on Co-operation in Combating Organised Crime and other Serious Crime, signed at Warsaw on 12 May 2001 (not yet in force)
Agreement between the Government of Ireland and the Government of the Republic of Cyprus on Co-operation in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and Other Serious Crime, signed at Dublin on 8 March 2002 and entered into force on 23 March 2006.

**ANNEX II**

**INDICATIVE LIST OF ISSUES PERTAINING TO**

**WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE**

**QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT**

**I. Prevention**

- 1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.**
- **Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of armed forces.**

The Defence Forces (DF) addresses the 'special needs and contributions of women in Armed conflict' in a specific Gender training module employed by United Nations Training School Ireland (UNTSI). It is structured into the various courses run by the school namely, Human Rights, CIMIC and Overseas Pre-deployment training. Gender awareness and UNSCR 1325 lectures are also included in all Defence Forces career courses and induction level training. This ensures that from the induction phase right through their Defence Forces career, a service member will receive gender training at each level of rank progress and also every time they deploy overseas. These briefings are delivered by specifically trained Gender Advisors.

- **Availability of specialised in-service training for armed forces personnel on the Protection of women's and girl's rights.**

The DF has a Gender Advisor (GENAD) at DFHQ level and a GENAD in each Brigade and Formation and every unit and branch has gender focal points to advise. Each Brigade conducts gender focal point training for their personnel on an on-going basis. The United Nations Training School Ireland (UNTSI) is the Irish Defence Forces Centre of Excellence for Human Rights Training and offers this course in conjunction with the United Nations Office of the High Commissioner for Human Rights (UNHCHR). The role of the UNTSI Staff is to facilitate and coordinate the delivery of instruction in conjunction with the Defence Forces Gender Advisor and to provide and maintain an administrative environment which will lead to an unencumbered learning environment. Following a recent extensive review of their training modules, UNTSI have now promoted Gender to one of their pillars of training, recognising the importance of gender in military operations and reflecting the high priority that the Defence Forces place on Gender.

Gender awareness is also incorporated into the DF Senior Command & Staff Course and our Junior Command & Staff course. Newly commissioned officers complete a module on their PSO Pl Commanders Course entitled Human Rights in PSO in which there are modules focussing on gender considerations. All other ranks receive gender briefings during their Three Star Training in relation to the UN. It is structured into the various courses run by UNTSI namely, Human Rights, CIMIC and Overseas Pre-deployment training.

In addition, a Gender Advisor has been appointed in each Brigade/ Formation and they assist the Defence Forces Gender Advisor in the implementation of UNSCR 1325 in accordance with the DF Second Action Plan on the implementation of UNSCR 1325. A Gender Focal Point (GFP) course has also been created and is now being rolled out across the Defence Forces. This will assist in the integration of a gender perspective at Brigade/ Formation level.

In cooperation with the Institute for International Criminal Investigations (IICI), the Hague, the DF has also initiated the development of specialised training for personnel who may have to investigate cases of sexual violence and abuse. Two courses have now been completed with 40 personnel trained.

- **Inclusion of plans to address and gather information from local women populations in areas at risk of conflicts.**

The DF have recently updated their pre-deployment training module for Irish units deploying on UN Operations. Selected Officers and Non-Commissioned Officers (NCOs) from every overseas unit are selected to undergo a 'Train the Trainers' course on Human Rights in the United Nations Training School (UNTSI). The course is of two weeks duration and uses a syllabus supplied by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The syllabus places emphasis on treaties such as Genocide, Torture, and Slavery Conventions as they target violations that have often preceded the establishment of the peacekeeping operation. The second part of the syllabus informs students as to the key risk groups that peacekeepers must protect during their deployment, concentrating on conventions such as the Children's Convention (CRC), Refugee Convention, Migrant Worker's Convention (MWC) and UNSCR 1325. Following the completion of the course the Officers and NCOs then, in turn, run courses on the outlined conventions for the members of their sub-units using the syllabus provided by OHCHR. In this training package the Defence Forces have included a gender awareness module that must be completed by all personnel prior to deploying overseas. This covers areas such as UNSCR 1325, Sexual Exploitation and Abuse (SEA) and also Gender Based Violence (GBV). Also embedded within all troop deployments will be a number of specifically nominated and trained Gender Focal Points (GFP). Gender Focal Point (GFP) courses are also conducted specifically for units deploying overseas in order to ensure they have qualified Gender Focal Points deployed within the unit.

- **Availability of plans to address and gather information from local women populations in areas at risk of conflicts.**

All Defence Forces troop deployments now deploy with specifically gender trained personnel with the second in command of all rotations maintaining the overall responsibility for the incorporation of a gender perspective into planning and operations. UNIFIL has also both a military and civilian Mission Gender Advisor appointed at FHQ level. Together these are developing relationships and plans with a view to gathering information from local women populations. The current Irish unit deployed in UNIFIL have recently reviewed and amended all Standard Operating Procedures (SOPs) to ensure they include a gender perspective and they have also reviewed and amended many of the reports used by the unit in order to improve gender analysis within the Area of Responsibility (AOR). In addition gender is a specific Annex integrated into the reporting structure back to DFHQ.

IRISHPOL BATT is cognisant of the sensitivity of all information activities pertaining to the female population in IRISHPOL BATT Area of Operations. This population is predominantly Shia Muslim with limited external visibility. Participation in any information gathering activity will be in consultation with Military Gender Focal Point Team, Sector West (SW) and Mission Gender Advisor, FHQ.

- **Inclusion of systematic gender analysis of areas at risk of conflicts, including gender disaggregated socio-economic indicators and power over resources and decision making.**

Systematic Gender Analysis is currently being implemented at UNIFIL HQ level and feeds into regular reporting requirements by IRISHPOL BATT.

2. **Measures to address the violation of the rights of women and girls, in line with international standards.**
- **Number and percentage of military manuals, guidelines, national security policy frameworks, codes of conduct and standard operating procedures/protocols of national security forces that include measures to protect women's and girls' human rights.**

The Irish Defence Forces are heavily involved in the implementation of Ireland's National Action Plan (NAP) for the implementation of UNSCR 1325 and as such became one of few militaries to produce a specific Defence Forces Action Plan (DFAP) which includes measures to protect women's and girls' human rights. The Irish Defence Forces is now on its second iteration of this implementation plan with the third in the development phase.

The Irish Defence Forces also have a workplace policy on human rights and a dignity charter designed to create awareness of the Defence Forces' role and obligations in relation to gender-based violence and human rights.

The Defence Forces also have an Equality policy as well as a Diversity and Inclusion Strategy Statement and Action Plan.

The Defence Forces Handbook on Human Rights in Peace Support Operations which includes sections on the protection of women's and children's human rights was published in 2007.

The Defence Forces are also participating members of The Irish Consortium on Gender Based Violence, (ICGBV) which comprises of Irish human rights, humanitarian and development organisations, Irish Aid and the Defence Forces, all working together to address gender based violence. Its overall aim is to promote the adoption of a coherent and coordinated response to gender based violence (GBV). The Objectives of the ICGBV are:

- To ensure that actions to prevent and respond to gender based violence are visible and systematically addressed in the policies, procedures and programmes of all member agencies.
  - To develop and strengthen skills and capacities of member organisations for more effective prevention of, and response to, gender based violence, at programme level.
  - To inform, effect and monitor policy implementation to improve actions on prevention of and response to gender based violence.
- **Number and percentage of directives for peacekeepers issued by head of military components and standard operating procedures that include measures to protect women's and girl's human rights.**

All troop deployments with UNIFIL review all Standard Operating Procedures (SOPs) on an ongoing basis to ensure they include gender perspective with respect to the planning, organisation and execution of operations.

All Irish soldiers engaging in Peace Support Operations carry a card entitled "Soldiers Card: Human Rights Peace Support Operations." This card details their obligations under international human rights and humanitarian law and includes specific provisions relating to UNSCR 1325.

The Defence Forces workplace policy on human rights and a dignity charter carries through to overseas service. The Defence Forces ensure that personnel deploying on overseas missions receive detailed instruction in the areas of human rights afforded to minorities and women, cultural awareness issues, sexual exploitation, conflict related sexual violence (CRSV) and codes of conduct and behaviour.



## **II. Participation**

### **1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the ministry of defence.**

#### **– Number and percentage of women applying to be part of the military forces.**

As of 1 Jan 2020, female personnel represented 6.8% of the organisation's overall strength and 7% of those inducted into the Defence Forces in 2019.

Currently women occupy 1.15% of Defence Forces senior level management positions and 9% at middle management level. 2019 saw the first ever appointment of a female General within the Irish Defence Forces with Brigadier General Maureen O'Brien appointed as Deputy Force Commander, UNDOF.

#### **– Establishment of policies to attract female candidates (Targeted campaigns, review of accession tests, etc).**

Female specific recruitment strategies continue to be employed by the Defence Forces which include female-focused advertising, creation of female-specific recruitment material, visit to all-female schools and targeted social media advertising. Other such initiatives include the introduction of best practices in recruitment such as the maintenance of a balanced gender breakdown on selection boards.

In line with Civil Service policy, and as an equal opportunities employer, the Department of Defence is committed to ensuring that, irrespective of gender:

- Recruitment to all civil service posts in the Department is open to suitably qualified applicants. Candidates are assessed objectively on their merits in the light of the essential requirements of the grade or post; recruitment methods and publicity material reflect the commitment to equality of opportunity;
- Placement and mobility policies give civil servants the opportunity to obtain a wide variety of work experience; decisions on placement and mobility allocate civil servants to posts based on the essential requirements of the grade or post, the skills and competencies of the individual, individual development needs, and the needs of the organisation;
- All promotions are based on merit; civil servants are informed of and encouraged to compete in promotion competitions for which they are eligible; assessment of suitability for promotion is based on the ability to fulfil the criteria for the grade or post;
- Encouragement is given to civil servants to pursue career and personal development opportunities open to them; the Performance Management and Development System supports the career and personal aspirations of civil servants by providing a structured approach to identifying the individual skills and competencies required to advance these aspirations and by addressing these requirements through training and other appropriate means. These opportunities are available on an equal opportunities basis;

- Family-friendly working arrangements are provided to the maximum extent possible, consistent with the effective and efficient operation of the organisation.

The Department of Defence, as a matter of general policy, keeps its approach to HR management under continuous review with a view to ensuring its approach is directed towards achieving best practice.

Having regard to the foregoing, as of 31 December 2019 67% of civil servants serving in the Department of Defence were women. In terms of key management positions, at 31 December 2019 of serving Principal Officers 39% were women (7 of 18), while 46% of Assistant Principal serving on that date were women (24 of 52).

Finally, it is important to note that the Irish Government has in place both a Civil Service Renewal plan and a People Strategy for the Civil Service covering all Departments of State and which put a strong emphasis on enhanced HR strategies including addressing gender issues. The results of recent employee engagement surveys would suggest these are having a positive impact as they showed that the sense of employee engagement and well-being in the Civil Service at in excess of 70%. This means that the majority of staff have a sense of energy and connection with their work, can cope with the demands of their job and find their work fulfilling. This compares very favourably with other international administrations and also many private sector organisations.

**– Establishment, promotion, maintenance and use of specialised rosters of female profiles in the military fields.**

The Defence Forces do not engage in this practice.

**– Number and percentage of women in the military forces disaggregated by rank.**

The strength of the Permanent Defence Force as at 29 Feb 2020 was 8,583. Of this, 595 were female. This represents 6.93% of the total strength. Of the 1,224 Officers, 160 or 13.1% were female. Within the 3,006 personnel at NCO rank, 183 or 6.09% were female. There were 4,353 enlisted ranks (including 99 Cadets), of which 252 or 5.79% are female.

**– Number and percentage of discrimination and sexual harassment complaints that are referred, investigated and acted upon.**

There are no recorded complaints regarding sexual harassment or discrimination at this time.

**– Development of regular analysis of retention and promotion practices for men and women in the forces.**

The Defence Forces has explored various initiatives with a view to addressing retention for all personnel. This includes the establishment of a DF Women's Network. The aim of the Defence Forces Women's Network is to increase participation at all levels of the organisation and to act as a support system for women in all aspects of their work. It also allows for the identification of actual or perceived barriers to progression within the organisation. It is envisaged that matters raised by the network will help identify family friendly considerations for both males and females which will then feed back into wider HR policies. Such an initiative involved the successful roll out of Family Friendly overseas appointments in 2015 which allows for shared/shorter overseas deployments. The policy of allowing job sharing for certain appointments within the UNIFIL mission continues.

## **2. Measures to increase the number of women in peacekeeping forces.**

### **– Number and percentage of women in peacekeeping forces disaggregated by rank.**

The number of personnel participating in overseas peacekeeping missions on 29 FEB 2020 was 586. Of these 28 or 4.78% were female.

Within the 135 Officers serving overseas, 9 or 6.662% are female. Of the 451 enlisted ranks overseas 19 were female which represents 4.21%.

A recent project in line with the objectives of the White Paper on Defence conducted on behalf of the Defence Forces and Department of Defence also introduced several actions with a view to increasing female participation in overseas peacekeeping missions.

### **– Number and percentage of international missions where gender advisors were appointed.**

Naval Service personnel undergo Gender Perspective pre-deployment training and employ Gender Focal Points on Operation Sofia humanitarian rescue mission in the Mediterranean Sea. The Defence Forces to date has not deployed personnel in specific mission "Gender Advisor" appointments.

### **– Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports.**

Specifics detailing Numbers and percentages are unknown; however the Defence Forces are aware of its obligations to all international mission instructions pursuant to UNSCR 1325.

### **III. Protection**

#### **1. Increased access to justice for women whose rights are violated**

- Specifics detailing Numbers and percentages are unknown as this is outside the remit of the Defence Forces; specifically, however the Defence Forces are aware of its obligations to all international mission instructions pursuant to UNSCR 1325.

### **IV. Other information**