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ENGLISH only

**Buantoscaireacht na hÉireann**  
**don Eagraíocht um Shlándaíl agus Comhar san Eoraip**  
Permanent Mission of Ireland to the  
Organization for Security and Co-operation in Europe



ROL/MILAD/02/2024

## NOTE VERBALE

The Permanent Mission of Ireland to the Organization for Security and Co-operation in Europe (OSCE) presents its compliments to the Director of the Conflict Prevention Centre and the Delegations of all Participating States and has the honour to submit Ireland's Information Exchange on the Implementation of the Code of Conduct on Politico-Military Aspects of Security as of 15 April 2024.

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 assurances of its highest consideration.

Vienna, 23 April 2024



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

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**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, and its Amendment, ratified by Ireland in 2014.
- 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 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) Acts 2005 and 2015

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* amended the *2005 Act* to create three new offences of:

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

These offences are particularly relevant to the nature of the current ongoing 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, covert surveillance and data retention**

Matters pertaining to the lawful interception of communications, covert electronic surveillance and the retention of certain categories of communications metadata 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 \(as amended\)](#) and the powers granted under these laws 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) (the CJA 2010) establishes the Minister for Justice 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 CJA 2010 Act initially 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 assessment for their business 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.

Provision of the Fifth Anti-Money Laundering Directive have been transposed through several instruments, including the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021 and the European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2021. Elements relating to information on the beneficial ownership of corporate entities and trusts were transposed by way of Statutory Instrument (SI): SI 233 of 2020 (European Union (Modifications of Statutory Instrument No. 110 of 2019) (Registration of Beneficial Ownership of Certain Financial Vehicles) Regulations 2020) and SI 194 of 2021 (European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2021).

These give effect to the amendments of Article 30 and Article 31 of the Fourth Anti-Money Laundering Directive which were made by the Fifth Directive regarding requirements on the beneficial ownership information of corporate entities and trusts, to assist in the prevention of the abuse of the financial system for the purposes of money laundering or terrorist financing.

S.I. No. 46 of 2022 - European Union (Anti-Money Laundering: Central Mechanism for Information on Safe-Deposit Boxes and Bank and Payment Accounts) Regulations 2022 - was signed by the Minister for Finance on 3 February 2022. This transposed Article 32a of the 4th Anti-Money Laundering Directive (as inserted by Article 1(19) of the 5th Anti-Money Laundering Directive) which requires Member States to put in place centralised automated mechanisms at national level to allow for the identification, within a timely manner, of any individual or legal person holding or controlling a payment account and bank account (identified by IBAN) or safe-deposit box held by a credit institution within a Member State's jurisdiction. The Regulations place a statutory obligation on the Central Bank of Ireland to establish and maintain the Central Mechanism, with corresponding obligations on institutions within scope to submit data to the Central Bank. Access is then provided to the Financial Intelligence Unit, a part of An Garda Síochána, to search the Central Mechanism.

The 2021 Act extended Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) obligations to entities that provide certain services relating to virtual assets by extending the 2010 Act to Virtual Asset Service Providers (VASPs). For the purposes of the legislation, VASPs are firms that provide any of the following services relating to virtual assets:

1. exchange between virtual assets and fiat currencies;
2. exchange between one or more forms of virtual assets;

3. transfer of virtual assets, that is to say, to conduct a transaction on behalf of another person that moves a virtual asset from one virtual asset address or account to another;
4. custodian wallet provider; and
5. participation in, and provision of, financial services related to an issuer's offer or sale of a virtual asset or both.

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?**

It is the role of An Garda Síochána to provide policing and security services in the State. An Garda Síochána's counter terrorism unit is the National Crime & Security Intelligence Service. The role of this section is to identify and analyse the threat to the State from terrorists and organised crime gangs.

Arising from the recommendations in the Report of the Commission on the Future of Policing, a new National Security Analysis Centre (NSAC) was established during 2019 by the Department of the Taoiseach. The purpose of the NSAC is to provide comprehensive strategic analysis for the Government on threats to security of the state through co-ordination between the various State bodies with security functions.

A number of personnel with a range of analytical expertise are assigned to the Centre, including from An Garda Síochána, the Department of Justice and the Department of Foreign Affairs. Two experienced personnel from the Defence Organisation, one civil and one military are currently assigned to the Centre, on the basis that defence policy and operations form a centrally important aspect of this work, given the nature of the threat environment.

There has necessarily been a focus in the Centre's work on international security matters, including cyber security, hybrid threats and the evolving international security and defence environment. This is undertaken working closely with the experts in the Defence Organisation and teams at the Permanent Representation in Brussels and the National Cyber Security Centre.

The National Cyber Security Centre (NCSC) is the authority responsible for cyber security in the State, including incident response, cyber resilience and information provision. The NCSC maintains a significant threat intelligence capability and this is a key tool in the work of the NCSC in mitigating risks to the State and its people from cyber security threats.

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 National Security Committee is chaired by the Secretary General to the Government and it comprises representatives at the highest level from the Departments of Justice, Defence, Foreign Affairs, the Environment, Climate and Communications and from An Garda Síochána and the Defence Forces.

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

The Office of Emergency Planning (OEP) is a joint civil/military office in the Department of Defence. The function of the OEP is to provide guidance and support to government departments and agencies and to coordinate emergency planning arrangements across government. This coordination of strategic emergency management is delivered through the Government Task Force on Emergency Planning, which is chaired by the Minister for Defence. Responsibility for the development of specific emergency plan and response capabilities 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 different emergency/incident types and allocates Lead Government Department responsibilities for each. 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 Local Government and Heritage, 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) that, 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 24/7 armed guard at the Central Bank, 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<sup>1</sup>. 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:**

**Legislation**

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 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 Money Laundering Directive (2015/849) was largely transposed by the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2018. The Fourth EU Money Laundering

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<sup>1</sup> The Commission on the Defence Forces has made a number of recommendations in relation to the Defence Forces' role in the provision of Aid to the Civil Power (ATCP), including that an immediate focus be given to standing down a number of current Defence Forces' ATCP taskings which no longer seem justified in the current security situation, specifically guard duties at Portlaoise Prison, explosive production facility security and Central Bank security duties – this recommendation has been accepted in principle, and a review of the specific ATCP taskings is underway.

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 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.

Provision of the Fifth Anti-Money Laundering Directive have been transposed through several instruments, including the Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021 and the European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2021.

The Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Act 2021 extends Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) obligations to entities that provide certain services relating to virtual assets. The 2021 Act extends the 2010 Act to Virtual Asset Service Providers (VASPs). For the purposes of the legislation, VASPs are firms that provide any of the following services relating to virtual assets:

- exchange between virtual assets and fiat currencies;
- exchange between one or more forms of virtual assets;
- transfer of virtual assets, that is to say, to conduct a transaction on behalf of another person that moves a virtual asset from one virtual asset address or account to another;
- custodian wallet provider; and
- participation in, and provision of, financial services related to an issuer's offer or sale of a virtual asset or both.

Elements relating to beneficial ownership have been transposed by way of statutory instrument (SI). SI 233 of 2020 (European Union (Modifications of Statutory Instrument No. 110 of 2019) (Registration of Beneficial Ownership of Certain Financial Vehicles) Regulations 2020) and SI 194 of 2021 (European Union (Anti-Money Laundering: Beneficial Ownership of Trusts) Regulations 2021, signed by the Minister for Finance, give effect to the amendments of Article 30 and Article 31 of the Fourth Anti-Money Laundering Directive which were made by the Fifth Directive regarding requirements on the beneficial ownership information of corporate entities and trusts, to assist in the prevention of the abuse of the financial system for the purposes of money laundering or terrorist financing.

S.I. No. 46 of 2022 - European Union (Anti-Money Laundering: Central Mechanism for Information on Safe-Deposit Boxes and Bank and Payment Accounts) Regulations 2022 - was signed by the Minister for

Finance on 3 February 2022. This transposed Article 32a of the 4th Anti-Money Laundering Directive (as inserted by Article 1(19) of the 5th Anti-Money Laundering Directive) which requires Member States to put in place centralised automated mechanisms at national level to allow for the identification, within a timely manner, of any individual or legal person holding or controlling a payment account and bank account (identified by IBAN) or safe-deposit box held by a credit institution within a Member State's jurisdiction. The Regulations place a statutory obligation on the Central Bank of Ireland to establish and maintain the Central Mechanism, with corresponding obligations on institutions within scope to submit data to the Central Bank. Access is then provided to the Financial Intelligence Unit, a part of An Garda Síochána, to search the Central Mechanism.

In addition, the Investment Limited Partnerships (Amendment) Act 2020 imposes similar obligations regarding beneficial ownership information on investment limited partnerships and common contractual funds, two vehicles which do not come within the scope of Articles 30 and 31 of the 4th AML Directive.

## FATF

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: <http://www.fatf-gafi.org/publications/mutualevaluations> ).

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 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. Since then, Ireland has undergone two further FURs. Our third FUR in 2020 detailed further positive progress made by Ireland on both the Immediate Outcomes and on Technical Compliance, and was noted by the FATF Plenary. Our fourth FUR was approved by Plenary in February 2022 which upgraded Ireland on a further Technical Compliance rating. Further to this, a Technical Compliance rating was reassessed in the latter report due to its obligations being amended. In a mark of Ireland's continued progress, our original rating was upheld.

At the October 2022 FATF Plenary it was agreed that Ireland's follow up process was deemed to be concluded. Ireland's framework will next be assessed in the FATF's 5<sup>th</sup> round of mutual evaluations which are due to begin in 2024.

## Anti-Money Laundering and Countering the Financing of Terrorism Steering Committee

The Department of Finance chairs the Anti-Money Laundering and Countering the Financing of Terrorism 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, An Garda Síochána, the Revenue Commissioners, the Central Bank of Ireland, the Department of Enterprise, Trade and Employment, the Criminal Assets Bureau, the Companies Registration Office, the Charities Regulatory Authority, and the Director of Public Prosecutions and other government departments. In addition, AMLSC members include the Designated Accountancy Bodies, the Law Society, and the Legal Services Regulatory Authority who act as Self-Regulatory Bodies in Ireland. The Private Sector Consultative Forum is also a member of the AMLSC.

#### Risk assessments

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. Sector-specific updates to this assessment have been published in 2018, 2019, 2020 and 2022. 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. Our most recent Risk Assessment examined the AML/CFT risks, threats, and vulnerabilities of the Trust or Company Service Provider sector, while identifying a number of recommended actions to improve the transparency and effectiveness of supervision of same. 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, over 90 have already been delivered.

#### Central Bank of Ireland

The Central Bank of Ireland (the "Central Bank") has been the competent authority for the monitoring of credit and 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, as amended ("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 analyzing 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 speaking events and training seminars, the Central Bank stresses

the distinction between money laundering and terrorist financing to ensure that credit and 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. This Guidance was updated in June 2021, to account for 5AMLD and the corresponding regulatory developments in respect of VASPs. Please see link below:

[Central Bank of Ireland AML/CFT Guidelines for the Financial Sector \(23 June 2021\)](#)

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 Banking Authority's (EBA's) 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 EBA working groups, including the working group on the Joint Opinion on the Risks of Money Laundering and Terrorist Financing Affecting the Unions Financial Sector, the working group to draft Regulatory Technical Standards on Central Contact Points the working group to update the Risk Factor Guidelines, and the working group to update the Risk Based approach to Supervision, as mandated to be provided by the EBA 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.

#### Department of Justice

The Department of Justice 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 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, jewellers, 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). 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 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 Legal Services Regulatory Authority 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 staff of the Department of Justice or members of An Garda Síochána. A person may be refused permission to enter the State in accordance with the provisions of the Immigration Act 2004, which includes a provision for circumstances 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.

The exchange of adverse immigration data between Ireland and the UK supports the administration and enforcement of the respective immigration systems, in the context of the protection of the Common Travel Area.

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 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.

The IPIU is a unit of the Department of Justice Criminal Governance Division which processes Passenger Name Record (PNR) data transmitted by carriers to the IPIU to prevent, detect, investigate and prosecute terrorist offences and serious crime. Advance Passenger Information (API) data, which is primarily for

border management purposes and for countering illegal immigration, is transmitted by IPIU to border management functions.

**Travel document security:**

**Container and supply chain security:**

**Security of radioactive sources:**

Ireland attends meetings of the European Commission led Travel Documents Committee and 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 offenses.

Ireland's second National Cyber Security Strategy was published in December 2019. The aims of the strategy area 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 also bound by Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online which aims to enable the swift removal of terrorist content online and sets out EU-wide rules to this effect. Ireland is engaged in the process of implementing the Regulation, which was enacted in April 2021 and has applied from 7 June 2022. An Garda Síochána has been designated as the State's competent authority for issuing removal orders, and Coimisiún na Meán, the State's digital and media regulator, will act as competent authority for the oversight of specific measures and the imposition of sanctions.

#### **Legal co-operation including extradition:**

In Ireland, the Criminal Justice (Mutual Assistance) Act 2008 (the "2008 Act") provides assistance in relation to criminal investigations and criminal proceedings in accordance with a range of international instruments dealing with mutual legal assistance for mutual legal assistance between Ireland and other states in criminal matters. The assistance that may be provided includes the obtaining of evidence and the freezing, confiscation and forfeiture of property. The international instruments and bilateral agreements on foot of which such assistance may be provided are set out in the Schedules to the 2008 Act. Notwithstanding that Ireland has not opted into Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office (the "EPPO"), the 2008 Act also provides a mechanism to enable Ireland's unilateral cooperation with EPPO.

The procedures for extradition in Ireland are, for the most, part governed by the Extradition Act, 1965. This Acts provide, *inter alia*, for Irish extradition arrangements on foot of obligations under the European

Convention on Extradition 1957. Ireland also has a party to various international instruments providing for extradition and has also entered into a number of bilateral extradition agreements with Australia, the United States and Hong Kong.

Surrender 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 Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, which is implemented in Ireland by the European Arrest Warrant Act 2003. The 2003 Act also governs surrender arrangements with Iceland and Norway by virtue of the 2006 EU-Iceland Norway Agreement, and with the United Kingdom by virtue of the 2020 Trade and Cooperation Agreement.

In Ireland, the Criminal Justice (Joint Investigation Teams) Act 2004 provides for the measures necessary to give effect to the EU Council Decision on 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.

#### **Participation in EU Counter-Terrorism Policy**

The EU Counter-Terrorism Strategy committed the EU to combating terrorism globally, while respecting human rights and allowing its citizens to live in an area of freedom, security and justice.

The adoption of the European Agenda on Security in 2015 built on the actions undertaken under the previous internal security strategies and set out how the Union can bring added value to support the Member

States in ensuring security. Following the 2015 Charlie Hebdo attack, the Commission proposed in its European Agenda on Security to establish a European Counter Terrorism Centre (ECTC) to improve the exchange of information and the operational support to Member States' investigators. Within Europol, the EU Agency for law enforcement cooperation, the ECTC pools specialised resources, expertise and information on foreign terrorist fighters, explosives, firearms, financial intelligence and online propaganda to support Member States' law enforcement counterterrorism units.

In 2017, the EU adopted Directive (EU) 2017/541 on combating terrorism, and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (the Counter Terrorism Directive) the Directive on combating terrorism which reinforces the legal framework to more comprehensively cover conducts related to terrorism. All EU countries have to ensure that they criminalise conduct such as training and travelling for terrorism, as well as terrorist financing. These harmonised definitions of terrorist offences serve as a benchmark for cooperation and information exchange between Member States. Ireland indicated at the time that it would opt-in to the Directive under EU Treaty arrangements.

In order to facilitate an opt-in, the Government approved a General Scheme of required legislation in 2020 and work on drafting of the related Bill is ongoing.

In July 2020, the European Commission adopted a new EU Security Union Strategy for the period 2020 to 2025. From combatting terrorism and organised crime, to preventing and detecting hybrid threats and increasing the resilience of critical infrastructure, to promoting cybersecurity and fostering research and innovation, the strategy lays out tools and measures to be developed over the next 5 years to ensure security in the physical and digital environment. The four strategic priorities of the EU Security Union Strategy are as follows:

- a future proof security environment
- tackling evolving threats
- protecting Europeans from terrorism and organised crime
- a strong European security ecosystem

The Strategy also provided for the adoption of a Counter Terrorism Agenda for the EU, together with renewed action to prevent and counter radicalisation.

## **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 National Security Committee is chaired by the Secretary General to the Government and it comprises representatives at the highest level from the Departments of Justice, Defence, Foreign Affairs, the Environment, climate and Communications and from An Garda Síochána and the Defence Forces.

Ireland has a national police service and security service (the Garda Síochána) and a Military Defence Force (Óglaigh na hÉireann). There is no other paramilitary, internal security, intelligence services 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. 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 An Garda Síochána are set out in statute.

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 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

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 security 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 title “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)

The Policing, Security and Community Safety Act 2024 was signed into law on 7<sup>th</sup> February 2024 and will, when commenced later this year, New legislation will repeal and replace the Garda Síochána Act, 2005. The Act has four main objectives: (1) to make community safety an all of government responsibility; (2) to strengthen independent external oversight of An Garda Síochána (including the strengthening of the remit of the Garda Síochána Ombudsman Commission); (3) to strengthen internal governance of An Garda Síochána; and (4) improve the oversight of National Security mentioned above. The Policing and Community Safety Bill is currently being drafted and is largely concerned with governance and oversight of the Garda Síochána, National Security and a new model of community policing.

Other reform measures include enactment of new legislation to strengthen the role and remit of the Garda Síochána Ombudsman Commission (GSOC), and the 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.

The function of An Garda Síochána is to provide policing and security services for the State with the objective of—, inter alia, protecting the security of the State.

**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.

The function of An Garda Síochána is to provide policing and security services for the State with the objective of—, inter alia, protecting the security of the State.

**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, with every second review being more comprehensive in nature and styled a Defence Strategic Review. 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 next stage in the fixed cycle of reviews is to be a Strategic Defence Review, to be completed in 2023. This will involve an updated security assessment and a fresh consideration of the implications of this assessment for overall policy requirements, associated tasks, capability development and resourcing.

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 Commission on the Defence Forces was established on foot of a commitment in the programme for Government and Government decision in December 2020 which also agreed its terms of reference and membership. The Terms of Reference and the Commission’s overall approach was guided and informed by both the White Paper on Defence 2015 and the White Paper Updated 2019, which sets out Ireland’s extant Defence Policy, and includes a revised environment assessment, as set out in the White Paper Update 2019.

The report of the Commission on the Defence Forces was published on the 9<sup>th</sup> February 2022. The commission undertook a significant body of work encompassing wide-ranging terms of reference. The report contains 69 main recommendations and together with sub recommendations, there are 130 recommendations. The Commission’s terms of reference included the consideration of appropriate capabilities, structures and staffing for the Army, the Air Corps and the Naval Service.

The report proposes significant changes for the Defence Forces, including to high-level command and control structures, and for the level of Defence provision in Ireland.

On 12th July 2022, Government approval was given for a move to ‘Level of Ambition 2’ (LOA2), as set out in the capability framework devised by the Commission on the Defence Forces. The Government also approved the High Level Action Plan which sets out the response of Government in relation to each of the 130 specific recommendations in the Commission’s report. Among the early actions identified in the High Level Action Plan, the preparation of a detailed implementation plan 2023 which will set out the recommendations to be delivered over the short, medium and long term is currently at an advanced stage.

The Department of Defence and Defence Forces Strategy Statement 2021 – 2023 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 2021 - 2023. A new DDFSS for the period 2023 – 2026 will be presented to the Tánaiste by June.

### **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 all relevant 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 actively participates in diplomatic meetings of States parties on disarmament, non-proliferation and arms control, and submits annual reports to the relevant bodies. Ireland actively promotes and pursues disarmament, non-proliferation and arms control, including as part of an integrated approach to conflict management, human rights and sustainable development; 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). Ireland has remained a steadfast and strong voice in support of the universalisation and full implementation of the NPT, including the implementation of commitments undertaken by NPT States Parties in Review Conferences. 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 ratified the Treaty in August 2020 and the Treaty entered into force in January 2021. The Treaty currently has 68 States Parties and 92 signatories. Ireland was actively engaged in the first Meeting of States Parties of the TPNW, in 2022, which concluded with the adoption of an Action Plan and the Vienna Declaration. Similarly, we look forward to the second Meeting of States Parties which is due to take place in UN Headquarters in New York in late 2023.

The harm arising from the use of Explosive Weapons in Populated Areas (EWIPA) has been an increasingly prominent issue in Humanitarian, Disarmament and Protection of Civilians discussions in recent years. In line with Ireland’s longstanding commitment to multilateral disarmament, in 2019, Ireland announced that we would 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 subsequently chaired 2 years of consultations on a Political Declaration on the use of EWIPA, with the broad participation of UN Member States, International Organisations, and civil society. The purpose of the Political

Declaration is to improve the protection of civilians during armed conflict, and lead to operational changes in policy and practice among states. In November 2022, we hosted a Ministerial Conference in Dublin at which 83 States endorsed the Political Declaration on the use of Explosive Weapons in Populated Areas – committing to improve the protection of civilians in urban warfare, save lives and reduce humanitarian need. We will continue to champion this issue as the EWIPA process moves into its implementation phase, and are exploring opportunities to enhance universalisation and capacity to implement the Declaration across all regions. We will also remain a supportive partner as Norway lead preparations for the next EWIPA international conference in 2024.

The issue of the use of chemical weapons is a major topic in the disarmament sphere. Ireland has been actively engaged in the area of legal and political, international diplomatic efforts that have emerged in recent years to counter the marked increase in the use of chemical weapons. Ireland actively contributed to the UN Security Council's standing agenda item on Syria Chemical Weapons throughout our term on the Security Council. We will continue to proactively advocate for the elimination of chemical weapons and to ensure accountability for those who would acquire or use these illegal and abhorrent weapons, through our role on the Organisation for the Prohibition of Chemical Weapons' (OPCW's) Executive Council and through our engagement at the May 2023 Chemical Weapons Convention Review Conference. We have previously provided contributions to the OPCW's Trust Fund for Syria Missions.

Ireland also remains strongly engaged with the Biological and Toxin Weapons Convention (BTWC) and continues to support civil society engagement in this space. Ireland was an active participant at the Ninth Review Conference of the BTWC in November-December of 2022, seeking to defend and strengthen the prohibition against biological and toxin weapons. Similarly, Ireland spoke out consistently during our tenure on the UN Security Council 2021-22 on the need to prevent the undermining of the norm against such weapons. Ireland further acts as co-chair of the International Gender Champions' Disarmament Impact Group, which has been active in advancing gender perspectives within the BTWC, including through the publication of a factsheet on Gender Equality in the biological weapons regime.

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 both the Open Ended Working Group on Conventional Ammunition, and the United Nations Programme of Action on small arms and light weapons (UNOPA). We also continue to call for greater synergies between the UNOPA, the ATT 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 multilateral export control framework and the vital role of export controls in mitigating proliferation risks. Ireland is actively engaged in multilateral export control regimes such as the Nuclear Suppliers Group, the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime (MTCR), and the Zangger Committee. Ireland co-chaired the MTCR together with Iceland from October 2017 to October 2018. In 2018, Ireland also joined the Nuclear Security Summit Contact Group as part of our efforts to promote nuclear security. Ireland further served as Chair of the Plenary (the decision-making and governing subsidiary body) of the Wassenaar Arrangement in 2022.

Alongside our engagement in longstanding disarmament and arms controls processes, Ireland is also engaging proactively in emerging arms dialogues – including on space via our participation in the Open Ended Working Groups on Responsible Behaviours in Space and Reducing Space Threats, respectively. Similarly, we are also actively engaged in emerging technologies, such as through our participation in the Group of Governmental Experts on Lethal Autonomous Weapons.

### **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 continues to support 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 Commission on the Defence Forces made a number of recommendations around high-level structures within the Defence Forces, including military command being delegated from the Minister to a Chief of Defence, these are currently undergoing detailed analysis before a final decision is made by Government.

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 consists 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 RDF consists of the First Line Reserve (FLR), Army Reserve (AR) and Naval Service Reserve (NSR). The FLR 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 AR is 3,869 and the NSR is 200. There is no fixed establishment for the FLR. In 2022, 90 additional new members were inducted during the year, all of which were inducted into the AR.

The Report of the Commission on the Defence Forces (CoDF), published in February 2022, equally serves to reinforce that commitment and the Report contains many recommendations on the future role and structure of the RDF.

Two recommendations from the report, which have been identified as Early Actions, relate to the RDF, namely the establishment of the Office of Reserve Affairs (ORA), and the development of a Regeneration Plan for the Reserve.

Planning by the military authorities has commenced on establishing the ORA and once this is established, it will be actively involved in implementing the other accepted recommendations of the CoDF.

This process will also take into consideration, of course, the recommendations relating to the structure and strength of the RDF, which include that the future establishment of the RDF should be increased and should include, at a minimum, an Air Force Reserve of 200, and a Navy Reserve of 400.

## **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. Further to this a key recommendation made by the Commission on the Defence Forces was the immediate establishment of a top-down capability development planning process through the creation of a new permanent civil-military structure. This recommendation was accepted by Government in July 2022. Following that decision, significant work to establish a new permanent civil-military Branch within the Department of Defence was undertaken and a new Capability Development Branch has been established which will commence capability development work during 2023.

The White Paper on Defence Update was published in 2019 and reaffirmed the defence policy as set out in the 2015 White Paper. The next stage in the fixed cycle of reviews is a Strategic Defence Review, to be completed in 2023. This will involve an updated security assessment and a fresh consideration of the implications of this assessment for overall policy requirements, associated tasks, capability development and resourcing.

The Department of Defence and Defence Forces Strategy Statement 2021-2023(DDFSS), 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 2021 to 2023. A specified Objective in the Strategy Statement is the “Development and maintenance of capabilities in fulfilment of assigned roles at home and overseas”. A new DDFSS for the period 2023 – 2026 will be presented to the Tánaiste by June.

## **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, 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 National Security Committee is chaired by the Secretary General to the Government and it comprises representatives at the highest level from the Departments of Justice, Defence, Foreign Affairs, the Environment, Climate and Communications and An Garda Síochána and the Defence Forces.

There is no other paramilitary, internal security, intelligence services 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. 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 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 Houses of 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; the function of An Garda Síochána is to provide policing and security services for the State with the objective of—, inter alia, protecting the security of the State.

## **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; the function of An Garda Síochána is to provide policing and security services for the State with the objective of—, inter alia, protecting the security of the State.

### **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, with every second review being more comprehensive in nature and styled a Strategic Defence Review. 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 next stage in the fixed cycle of reviews is a Strategic Defence Review, to be completed in 2023. This will involve an updated security assessment and a fresh consideration of the implications of this assessment for overall policy requirements, associated tasks, capability development and resourcing.

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 Commission on the Defence Forces was established on foot of a commitment in the programme for Government and Government decision in December 2020 which also agreed its terms of reference and membership. The Terms of Reference and the Commission's overall approach was guided and informed by both the White Paper on Defence 2015 and the White Paper Updated 2019, which sets out Ireland's extant Defence Policy, and includes a revised environment assessment, as set out in the White Paper Update 2019.

The report of the Commission on the Defence Forces was published on the 9<sup>th</sup> February 2022. The commission undertook a significant body of work encompassing wide-ranging terms of reference. The report contains 69 main recommendations and together with sub recommendations, there are 130 recommendations. The Commission's terms of reference included the consideration of appropriate capabilities, structures and staffing for the Army, the Air Corps and the Naval Service. The report proposes significant changes for the Defence Forces, including to high-level command and control structures, and for the level of Defence provision in Ireland.

On 12th July 2022, Government approval was given for a move to 'Level of Ambition 2' (LOA2), as set out in the capability framework devised by the Commission on the Defence Forces. The Government also approved the High Level Action Plan which sets out the response of Government in relation to each of the 130 specific recommendations in the Commission's report. Among the early actions identified in the High Level Action Plan, the preparation of a detailed implementation plan 2023 which will set out the recommendations to be delivered over the short, medium and long term is currently at an advanced stage.

The Department of Defence and Defence Forces Strategy Statement (DDFSS) 2021-2023 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 2021-2023. A new DDFSS for the period 2023 – 2026 will be presented to the Tánaiste by June.

### **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 (updated 4 April 2022), 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 of restoration of the public peace.

Ireland Has No Paramilitary Force.

The function of An Garda Síochána is to provide policing and security services for the State with the objective of—, inter alia, protecting the security of the State.

### **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. The Defence Forces Diversity and Inclusion Strategy Statement and Action Plan aims to ensure that a transparent culture exists, that encourages personnel to report inappropriate behaviour, discrimination, bullying, harassment and sexual harassment.

Defence Force Regulation A7, additionally provides the regulatory framework for dealing with any allegations of inappropriate behaviour in the workplace for serving members in both a formal and informal way through a trained Designated Contact Person (DCP) network

Within this framework, Administrative Instruction A7, Chapter 1 sets out the Defence Forces policy and procedures regarding interpersonal relationships in the Defence Forces including bullying and harassment, in order to deter unacceptable behaviour and promote a service environment based on mutual respect, equality and professionalism.

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 submit their complaint to the Ombudsman for the Defence Forces, which is independent and operates under the provisions of the Ombudsman for the Defence Forces Act, 2004. A serving member may also submit a complaint directly to the Ombudsman without having initiated a complaint under the Redress of Wrongs process.

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 Ombudsman for the Defence Forces is excluded from investigating actions that concern:

- Security and military operations
- Organisation, structure and deployment of the Defence Forces
- Terms and conditions of employment
- Administration of military prisons

In addition, the Ombudsman for the Defence Forces is excluded from investigating actions if the person making the complaint has lodged legal proceedings in relation to the matter or if the action has been summarily dealt with according to Section 179 of the Defence Acts.

The Ombudsman for the Defence Forces has full independence and autonomy in the discharge of his/her statutory functions.

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.

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 outlines the Defence Forces commitment to promoting equality in all aspects of its work, both at home and while deployed in an overseas environment.

Arising from the 2002 publication of the External Advisory Committee on the Defence Forces and the three subsequent reports from the Independent Monitoring Group (IMG), a number of reforms were implemented in the intervening years for addressing allegations of inappropriate behaviour, including harassment, sexual harassment and bullying, which are contained in policy documents and in regulation.

In the intervening years since the publication of the last IMG report in 2014, there has been progress by the Defence Forces, with a regulatory framework now in place, which underpins the policies, systems and procedures to deal with interpersonal relationships in the workplace.

Discussions between the Secretary General of the Department of Defence and the former Chief of Staff on the next iteration of IMG, had focused on the merits of a back to basics external and independent review to assess whether those policies, systems and procedures were fit for purpose.

On this basis, and also on foot of engagements with a number of stakeholders, it was decided that the IMG process would be set aside in favour of an independent and Judge led review.

Following Government approval on 25 January 2022, the former Minister for Defence and Foreign Affairs established a judge-led Independent Review to examine the systems, policies, procedures for dealing with unacceptable behaviour in the Defence Forces, as well as the workplace culture. The Chair of the Independent Review Group has submitted the Final Report to Tánaiste, who is currently considering the Report in full, in consultation with the Attorney General, before bringing it to Government for consideration and assessment and subsequent publication.

#### **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. The Irish Defence Forces provide on-going human rights training at United Nations Training School Ireland (UNTSI) in the Defence Forces Training Centre for members of the Defence Forces in preparation for overseas Peace Support Operations deployments. This includes the Law of Armed Conflict and relevant international human rights law. A selection of training courses at UNTSI which integrate human rights are also available to international armed forces, Gardaí, civil servants, humanitarian actors, students and academics. The overall training package is based on the programme provided by the United Nations Office of the High Commissioner for Human Rights.

##### **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 Defence Forces ensures that 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 third National Action Plan on Women, Peace and Security, 2019-2024 was launched in June 2019 and seeks to build on the momentum and successes of Ireland's first and second plans. The development of the third National Action Plan involved a comprehensive consultation process with governmental departments and agencies, including the Defence Forces, and also with relevant civil society and non-governmental organisations. An Oversight Group under an Independent Chair and supported by Department of Foreign Affairs oversees the implementation of Ireland's National Action Plan on Women, Peace and Security.

In tandem with the National Level Plan the Defence Forces have published the Defence Forces Third Action Plan for the Implementation of UNSCR 1325 and related Resolutions. The Defence Forces also employ a specific Staff Officer Gender Advisory 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 pre-deployment 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 unit gender advisor responsible for advising the unit commander on the implementation of 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 1954-2015. 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 2015 and the White Paper Update 2019, 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 2021-2023.

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  
European Neighbourhood Unit  
Political Division  
Department of Foreign Affairs  
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 Criminal Justice (Terrorist Offences) Act 2005. The Criminal Justice (Terrorist

		<p>Offences) Act, 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)	<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>

		Acceded 10 September 2004
Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)	<b>P(a)</b>	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)	<b>P(R)</b>	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)	<b>P(R)</b>	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)	<b>P(R)</b>	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)	<b>P(R)</b>	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	<b>P(R)</b>	Ireland ratified this Convention on 21 February 1989.
Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190	Not party	
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	<b>P(R)</b>	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	<b>P(R)</b>	Ireland ratified the additional protocol on 22 March 2019
European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030	<b>P(R)</b>	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	<b>P(R)</b>	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	<b>P(R)</b>	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	<b>P(R)</b>	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, sub-regional 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 the 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 at various levels of the organisation to include induction and career course levels as well as overseas pre-deployment 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 progression and on the occasion of each overseas deployment. These briefings are delivered by 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 employs gender focal points. 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 that will lead to an unencumbered learning environment. UNTSI have also 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 places on Gender.

Training on women, peace and security is also incorporated into the DF Joint Command & Staff Course and our Land Command & Staff course. All other ranks receive gender briefings during their Three Star Training and training on the women, peace and security agenda is structured into the various courses run by UNTSI namely, Human Rights, CIMIC and Overseas Pre-deployment training.

In addition, the role of the Gender Advisor at Brigade/Formation level includes assisting the Defence Forces Gender Advisor in the implementation of UNSCR 1325 in accordance with the DF Third Action

Plan for the implementation of UNSCR 1325. A Gender Focal Point (GFP) course was also created and is being delivered 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. The third iteration of the Sexual and Gender Based Violence (SGBV) was completed in March 2022 in the DF Training Centre, in which twenty three (23) DF members successfully completed the course. It is envisaged that the next SGBV Investigators Course will be ran in 2024.

- **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 for units deploying overseas in order to ensure they have qualified Gender Focal Points deployed ensuring the incorporation of a gender perspective in overseas planning and operations.

- **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 troop 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. 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 the 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 the Military Gender Focal Point Team, Sector West (SW) and Mission Gender Advisor, FHQ, however the unit endeavours to incorporate female specific initiatives into CIMIC work for example thereby ensuring the consultation of local women's groups and women within the local communities.

- **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.

**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 process of implementation of Ireland's National Action Plan (NAP) for the implementation of UNSCR 1325. As such the DF became one of few militaries to produce a specific Defence Forces Action Plan (DFAP) on women, peace and security which includes measures 1325's protection pillar. The Irish Defence Forces is now on its third iteration of this implementation plan.

The Irish Defence Forces encourages and supports the right to dignity at work.

The Defence Forces also have an Equality policy as well as a Diversity and Inclusion Strategy Statement and Action Plan outlines the Defence Forces commitments to equality, diversity and inclusion in all aspects of Defence Forces work both on island and overseas.

The Defence Forces Handbook on Human Rights in Peace Support Operations that includes sections on the protection of women 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) through effective programming, learning, amplifying the issue of GBV at policy and public level and strengthening leadership and accountability.

- **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 a 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 in 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 ensures 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.**

Female personnel represented 7.07% of the organisation's overall strength as at 31<sup>st</sup> December 2022 and 8.451% of personnel inducted into the Defence Forces in 2022.

There are a number of initiatives aimed at addressing the increase of women within the organisation contained within the DF Third Action Plan for the implementation of UNSCR 1325 and Related Resolutions as well as the establishment of a Standing Committee on implementing recommendations from recent Working Group report on increasing the strength of female personnel and a survey to identify any impediments to the advancement of women within the organisation.

#### **– 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 that include female-focused advertising, creation of female-specific recruitment content, visits to 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 addition, Female personnel in the Defence Forces now have access to two informal fora, which sit outside the normal military chain of command. The first of these is the Defence Forces Women's Network and more recently a joint DoD and DF Women's Network was established.

The staffing of the Gender Advisor's office has increased from 1 x Comdt at Defence Forces Head Quarters level to a team of 1 Comdt, 1 x Lt and 1 x part time NCO. The establishment of the GENAD is due to increase with the recent publication of the Commission on the Defence Forces where it will increase to an OF5 with additional staff.

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 2022 67.3% of civil servants serving in the Department of Defence were women. In terms of key management positions, at 31 December 2022 of serving Principal Officers 28.5% were women (6 of 21), while 49% of Assistant Principal serving on that date were women (28 of 57).

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 28 February 2023 was 7,917. Of this, 629 were female. This represents 7.1% of the total strength. Of the 1,235 Officers, 159 or 12.9% were female. Within the 2,790 personnel at NCO rank, 173 or 6.2% were female. There were 3,892 additional enlisted ranks (including 88 Cadets), of which 230 or 5.9% were female.

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

There were no complaints relating to alleged discrimination reported to the Grievance Management Office in 2022. There was one complaint regarding sexual harassment reported to the Grievance

Management Office in 2022, which was duly investigated and concluded to the satisfaction of the Complainant.

**– 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 that will then feed back into wider HR policies. Such an initiative involved the successful roll out of Family Friendly overseas appointments in 2015 that allows for shared/shorter overseas deployments as well as the introduction of remote access working.

The requirement to increase the number of female personnel serving in the Defence Forces organisation has been a policy priority for some time. Although many initiatives have been undertaken in an effort to achieve this objective, the percentage of the organisation, which is female, has remained stable at circa 7%. Against this backdrop, the General Staff have approved the report of Working Group, which was established to undertake a broad examination of the situation to provide a better understanding of the issues involved.

A Standing Working Group (SWG) has been established to monitor and advise on the implementation of the recommendations of this WG. The Defence Forces has a number of key recommendations across the sub heading of recruitment and selection, training and retention in order to increase the strength of females.

An independent Confidential Contact Person (CCP), Raise-A-Concern, was employed, and provided a mechanism, outside of the Chain of Command and DOD, for serving and former personnel to report incidents of unacceptable behaviour.

The Chief of Staff convened an Organisational Culture Standing Committee (OCSC) on 30 November 21, to provide an enduring structure to drive and coordinate the process of cultural change into the future. The work of the OCSC has set the Defence Forces on a path towards cultural change, a strategy that will take some time to implement.

As part of a sub-group of the OCSC, the Defence Forces have recently carried out a pilot workshop in the area of Sexual Ethics and Respectful Relationships, which the DF has consulted with the NZDF on their existing SERR program. This training is an interactive workshop consisting of modules on consent, military culture and environment, Sexual Ethics and Respectful Relationships and being an ethical bystander. The DF is currently working on the hire of personnel to execute this training in the DF.

The Commission on Defence Forces (CoDF) makes a number of recommendations in the area of greater female participation in the DF, namely that gender, diversity and unconscious bias training should become mandatory across all ranks in the DF. This target is ongoing.

The staffing of the GENADs office has increased from 1 x Comdt at DFHQ level to a team of 1 Comdt, 1 x Lt and 1 x part time NCO. The establishment of the GENAD is due to increase with the recent publication of the CoDF where it will increase to an OF5 with additional staff.

## **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 as at 31 January 2023 was 554. Of these 28 or 5.04% were female.

Within the 118 Officers serving overseas, 6 or 5.08% were female. Of the 436 enlisted ranks overseas 22 were female which represents 5.04%.

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

### **– 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**