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The Permanent Mission of Ireland to the Organisation for Security and Co-operation in Europe (OSCE) presents its compliments to all Missions and Delegations to the OSCE in Vienna and to the Conflict Prevention Centre and has the honour to transmit herewith in accordance with Decision 2/09 of the Forum for Security Cooperation Ireland's reply to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of Ireland to the Organisation for Security and Co-operation in Europe (OSCE) avails itself of this opportunity to renew to all Missions and Delegations of the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna

Thursday 13 April, 2017



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, subregional and bilateral) related to preventing and combating terrorism is your State a party?

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

- Convention on Offences and Certain Other Acts committed on board Aircraft, done at Tokyo on 14 September 1963
- Convention for the suppression of the Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971
- International Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, done at New York on 14 December 1973
- European Convention on the Suppression of Terrorism, done at Strasbourg on 27 January 1977
- International Convention against the Taking of Hostages, done at New York on 17 December 1979
- Convention on the Physical Protection of Nuclear Material, done at Vienna on 3 March 1980
- Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988
- Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located against the Continental Shelf, done at Rome on 10 March 1988
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991
- International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997
- International Convention for the Suppression of the Financing of Terrorism, done at New York on 9 December 1999

Ireland has signed the International Convention for the Suppression of Acts of Nuclear Terrorism done at New York on 14 September 2005. The preparation of enabling national legislation to ratify the Convention has commenced.

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

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. 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. 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, Equality and Law Reform 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.

The Criminal Justice (Terrorist Offences) Act 2005 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 and 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 Act also amends our law more generally to enhance the capacity of the State to address the problem of international terrorism.

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

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

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

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

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

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

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

The Office of Emergency Planning (OEP) was established as a joint civil/military office in the Department of Defence in 2001. The function of the OEP is to take the lead role in supporting emergency planning through the Government Task Force on Emergency Planning, which is chaired by the Minister for Defence. This includes ongoing co-ordination of the Emergency Planning of Government Departments and various agencies and exercising an oversight role in relation to peacetime planning, in order to ensure the best possible use of resources and compatibility between planning requirements. Responsibility for specific emergency planning and response functions remains with the relevant lead Government Departments and agencies. As part of the ongoing body of work carried out in the context of emergency planning, the National Emergency Co-ordination Group carries out exercises to strengthen and test our processes, preparedness and responsiveness to national security incidents. An Garda Síochána also carries out counter-terrorism exercises on a routine basis and are continuously deploying the skills and procedures that would be used in a terrorist attack.

The Defence Forces are tasked by Government with providing Aid to the Civil Power (ATCP) which, in practice, means to assist An Garda Síochána when requested to do so. On a day to day basis the Defence Forces typically provide a range of Aid to the Civil Power supports, including the armed cash in transit escorts, pilot's 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 Garda requests to make safe and dispose of suspected improvised explosive devices, and to deal with other finds such as conventional munitions. The Defence Forces may also be called upon by An Garda Síochána in relation to criminal activity in the maritime domain.

In addition, at the request of Government, the Defence Forces have responsibility for providing a permanent armed guard at Portlaoise Prison.

Military Intelligence and Specialist Defence Forces units support ongoing policies in the prevention and combating of terrorism.

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

Financing of terrorism:

The Criminal Justice (Terrorist Offences) (Amendment) Act 2015 was enacted in June 2015. It further strengthens Ireland's laws to address the international terrorist phenomenon by creating new offences of Public Provocation to commit Terrorist Offences, Recruitment for Terrorism and Training for Terrorism

Ireland is a member of the Financial Action Task Force (FATF). Ireland's AML/CFT systems were assessed by the FATF through the mutual evaluation process in 2006 (reports can be found at: <http://www.fatf-gafi.org/countries/d-i/ireland/>). The last on-site assessment for Ireland took place in November 2016, and the Mutual Evaluation Report on Ireland will be published in the summer of 2017. ~~is scheduled to take place in 2016.~~

The Department of Finance chairs the Anti-Money Laundering Steering Committee which was set up in 2003 in order to oversee the development of the guidance notes required to facilitate the effective implementation of the money laundering and terrorist financing provisions of the Criminal Justice Acts, EU Directives on Money Laundering and the FATF recommendations. It includes representatives of the Department of Justice and Equality, An Garda Síochána, the Revenue Commissioners and the Central Bank of Ireland and other stakeholders. The terms of reference have been revised to concentrate the Committee's work on communication between the various State agencies and to prepare for the FATF assessment due to be published in 2017.

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

The Central Bank has undertaken a number of outreach and awareness building activities in relation to countering the financing of terrorism. At recent speaking events and training seminars, the Central Bank has stressed the distinction between money laundering and terrorist financing to ensure that financial institutions are aware of the different approaches that are needed to be taken to identify terrorist financing when applying preventive measures. The Central Bank has enhanced its communications around terrorist financing by publishing FAQs and additional information on terrorist financing and targeted financial sanctions relating to terrorism on the Central Bank website. A terrorist financing explained page has been published by the Central Bank that gives information about terrorist financing: <http://www.centralbank.ie/regulation/processes/anti-money-laundering/Pages/TerroristFinancingExplained.aspx>

The Central Bank is also actively engaged in national and international policy discussions concerning terrorist financing. It participates as a member of the national AML and International Sanctions steering committees. It is a member of the European Supervisory Authorities' (ESAs) AML committee that examines money laundering and terrorist financing supervisory and preventive measures across the EU. It has a representative on the ESAs' working group on the Joint Opinion on Money Laundering and Terrorist Financing Risk in the Internal Market mandated to be provided by the ESAs under the 4th EU Money Laundering Directive. It has also been providing technical assistance at the working group on the EU's supranational risk assessment. The Central Bank is an active participant as part of the Irish delegation at the FATF and has inputted into terrorist financing related policy developments. The Central Bank also continues to provide technical input into EU and FATF questionnaires on CFT preventive

measures being carried out in Ireland and provides technical assistance in respect of regulatory policy formulation at the national and international policy levels.

The Department of Justice and Equality is the State Competent Authority for AML/CTF measures in the non-financial sector. The Anti-Money Laundering Compliance Unit (AMLCU) in the Department of Justice and Equality is charged with monitoring AML/CTF compliance in a range of entities including Trust or Company Service Providers (TCSPs); High Value Goods Dealers (HVGDs) e.g. motor industry, jewelers, etc.; Private Members' Clubs (PMCs); Tax Advisers and external Accountants. Compliance is monitored in these sectors by way of both desktop examinations and on-site inspections. Inspections also serve as a useful mechanism to raise awareness among entities of their obligations under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 as amended by the Criminal Justice Act 2013. The AMLCU has its own dedicated website which sets out in a user-friendly manner the obligations of the different sectors; their authorization/registration requirements, where relevant; guides on the obligations of the various entities under legislation; information on risk; etc.

The Department of Justice and Equality through the Anti-Money Laundering/Counter Terrorist Financing (AML/CTF) Policy Co-ordination Unit is actively engaged along with representatives from Law Enforcement (FIU, CAB and An Garda Síochána) in the Anti-Money Laundering Steering Group (AMLSC) 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 Financial Action Task Force (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 in respect of solicitors; designated Accountancy Bodies in respect of accountants and the Bar Council of Ireland in respect of Barristers. Furthermore the Property Service Regulatory Authority (PRSA) was recently (September 2016) appointed a competent authority for the real estate sector.

The Department of Finance briefs an informal grouping of private sector representative bodies on developments in the AML/CFT area. Other state entities attend for briefing purposes from time to time.

Ireland has undertaken a National Risk Assessment (NRA) of money laundering and terrorist financing. Contributors to the NRA include law enforcement agencies.

Border controls:

Travel document security:

Container and supply chain security:

Security of radioactive sources:

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) Bill 2016 was published on 19 January 2017. This legislation will give effect to the referenced Directive 2013/40/EU on attacks against information systems.

Ireland supports the EU Internet Referral Unit (IRU). An Garda Síochána currently has two liaison officers at Europol and will continue to enhance and develop its interaction with Europol in this and other fields. An Garda Síochána also interacts directly with internet and social media companies in Ireland with regard to restricting the availability of terrorist content online.

Legal co-operation including extradition:

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

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).

As previously mentioned, the main purpose of the Criminal Justice (Offences Relating to Information Systems) Bill 2016 is to give effect to provisions of Directive 2013/40/EU. In December 2005, the European Council adopted the EU Counter-Terrorism Strategy. The strategy brings together in one succinct document the principal aims and objectives of the union's fight against terrorism. In the strategy, the EU commits itself to oppose terrorism globally, while respecting human rights, with a view to making Europe safer and enabling its citizens to live in freedom, security and justice. The strategy tackles terrorism under four headings: "prevent, protect, pursue, and respond". The four key priority headings can be summarised as:

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

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

2. Stationing of armed forces on foreign territory

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

Ireland regularly deploys contingents of the Defence Forces abroad in the context of participation in international peacekeeping and peace enforcement under the auspices of the United Nations. Defence legislation provides for such deployment. Any stationing of Defence Forces personnel on the territory of another participating State will continue to be in accordance with relevant legislation, which contains the requirement for Government, Dáil Éireann (Parliament), and UN approval, known as the "triple lock". Participation in the EU's Common Security and Defence Policy, the European Defence Agency (EDA), and NATO PfP 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.

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 advocates the total elimination of nuclear weapons and the prevention of further proliferation of nuclear weapons capability, a complete ban on the use of cluster munitions, greater controls on the trade in small arms and light weapons and the implementation and strengthening of treaties banning the development, use, stockpiling, production and transfer of chemical and biological weapons.

Disarmament and non-proliferation of nuclear weapons have historically been key foreign policy objectives for Ireland, which was the first State invited to sign the Nuclear Non-Proliferation Treaty. Ireland has signed and ratified all relevant disarmament, non-proliferation and arms control treaties and agreements and actively participates in diplomatic negotiations and meetings of States parties and submits annual reports to the relevant bodies.

In 2016 Ireland, together with Austria, Brazil, Mexico, Nigeria & South Africa, was one of the Lead Sponsors of a Resolution at the UN to establish a UN conference to negotiate a new legal instrument for the prohibition of nuclear weapons, leading to their total elimination. The first week of this conference took place in New York March 2017 and over 130 states participated. It will continue over 3 weeks in June/July 2017 and is the first multilateral nuclear disarmament negotiations in over twenty years. The conference is an important step towards the fulfilment of the nuclear disarmament commitments outlined in the Nuclear Non-Proliferation Treaty (NPT).

Furthermore, Ireland strongly supports the process of developing strict controls on arms and works actively to promote the objective of strengthening arms controls globally. Ireland is actively engaged in export control regimes such as the Nuclear Suppliers Group, the Wassenaar Arrangement, the Australia Group and the Missile Technology Control Regime (MTCR). Ireland will Co-Chair the MTCR together with Iceland from October 2017 and the Plenary will be hosted in Dublin in the week of 16 October 2017.

Ireland worked closely with the EU and other like-minded States to agree an Arms Trade Treaty (ATT) which entered into force on 24 December 2014. The ATT includes 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 adoption of the ATT was a major achievement for the international community and a political priority for Ireland. Ireland, as one of the early signatories of the ATT, continues to be one of its strongest supporters, given its potential to directly impact and reduce fatalities and injuries caused by conventional arms. The ATT was the first treaty of its kind to introduce a gender based violence provision, which Ireland advocated strongly for in negotiations. Ireland is particularly committed to the ATT's success; we have provided funding on numerous occasions to support the ATT and key civil society partners in their efforts to universalise and effectively implement the ATT.

Ireland has also demonstrated its commitment to arms control through its continual work on instruments governing the use, stockpiling and trade of arms. We recognise the serious challenges posed by the illicit trade in SALW and ammunition. We input to the United Nations Programme of Action on small arms and

have provided funding to support the work undertaken by the United Nations Coordinating Action on Small Arms (UNCASA) - International Small Arms Control Standards (ISACS) project.

In June 2011, Ireland adopted the Biological Weapons Act. This new legislation closed a potential gap in the State's law in the context of the potential threat posed by non-state actors, in particular terrorist groups.

Ireland is engaged with civil society and a group of interested states in a process to develop a possible Political Declaration on explosive weapons with wide area effect in populated areas (EWIPA).

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

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

Section II: Intra-State elements

1. National planning and decision-making process

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

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

The 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 Defence Acts 1954 to 2015 provide the legislative basis for the Defence Forces (Óglaigh na hÉireann). The legislation provides that Defence Forces Headquarters (DFHQ) is the military element of the Department of Defence. The Chief of Staff of the Defence Forces heads DFHQ. As provided for in the Act the Minister has assigned certain statutory duties, in connection with the business of the Defence Forces, to the Chief of Staff. The Chief of Staff is directly accountable to the Minister for the performance of these duties, which include responsibility for the military effectiveness, efficiency and organisation of

the Defence Forces. As provided for in the Act and with the approval of the Minister, the Chief of Staff has, in turn, delegated responsibility for certain duties to the Deputy Chief of Staff (Operations) and to the Deputy Chief of Staff (Support).

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

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

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

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

The Defence Capability Framework, outlined in the Department of Defence and Defence Forces Strategy Statement 2016-2019, encompasses plans and associated activities relating to capability development. These plans are established for the various functions and force packages and include training activity targets for the Defence Forces. The five essential components of military capabilities are met through implementation of these plans. The Strategy Statement also considers Ireland's global and regional

security cooperation. Defence outputs in support of global and regional security, dovetail with our foreign policy. The primacy of the United Nations continues to be a cornerstone of that policy. A commitment to collective security through the development of international organisations and regional co-operation is also a central element of that policy.

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

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

The Garda Síochána is established by legislation and its internal management is subject to regulations made by the Minister for Justice and Equality. The Garda Commissioner is financially accountable to the Public Accounts Committee of the Parliament for the expenditure of State monies on the Garda Síochána.

The powers of the police are set out in statute and all their actions are subject to review by an active and constitutionally independent judiciary.

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

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

The establishment of an independent Policing Authority on 1 January 2016 is at the core of the Government reform programme. The primary function of the Authority is to oversee the performance by An Garda Síochána of its functions in relation to policing services, including through the approval of Garda strategy statements and policing plans, the determination of Garda priorities and performance targets, and the holding of public meetings with the Garda Commissioner. Among the Authority's first tasks will be the development of a Code of Ethics for Garda members and civilian staff. The Authority will also be responsible for appointing/nominating senior Garda members.

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

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

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

Ireland has no paramilitary force.

Ireland has no internal security force.

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

The Constitution of Ireland vests supreme command of the Defence Forces in the President and provides that the exercise of command shall be regulated by Law. The Defence Acts, 1954-~~2014~~ 2015, provides that military command of, and all executive and administrative powers in relation to the Defence Forces including the power to delegate command and authority, shall be exercisable by the Government through and by the Minister for Defence.

Ireland has no paramilitary force.

Ireland has no internal security force.

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

The ‘**White Paper on Defence**’, which was published on 26 August 2015, sets out Ireland’s defence policy framework for the next decade. 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. To ensure a flexible and adaptive response from Defence, the White Paper provides for regular reviews of defence requirements.

The roles of the Defence Forces are defined as follows:

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

- To contribute to Ireland's economic well-being through engagement with industry, research and development and job initiatives, in support of government policy;
- To fulfil any other tasks that Government may assign from time to time.

The Department of Defence and Defence Forces Strategy Statement 2015-2017 sets out the high level goal and key strategies that will be pursued by the organisation over the period 2015- 2017.

Ireland has no paramilitary force.

Ireland has no internal security force.

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.

Ireland Has No Paramilitary Force.

Ireland Has No Internal Security Force.

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

Not Applicable. See reply to 3.1 above.

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

Defence legislation provides for a redress of wrongs system for every member of the Defence Forces. Section 114 of the Defence Acts 1954-2015 provides that any member of the Defence Forces, who consider themselves to have been wronged in any matter, may make a complaint and have it investigated and redressed. Where the wrong is proven, redress is offered to the complainant. In the event that the complainant is unhappy with the internal military investigations or with the proposed redress, they can have their complaint forwarded to the Ombudsman for the Defence Forces.

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

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

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

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

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

International Humanitarian law (the Law of Armed Conflict) is included in the syllabi of all career courses for officers and enlisted persons. Legal officers and officers responsible for training in the Law of Armed Conflict attend courses at the International Institute of Humanitarian Law, San Remo, Italy. All personnel proceeding on active service overseas are briefed on the Law of Armed Conflict and relevant international human rights law. Courses on Human Rights are conducted on a regular basis at the Defence Forces Training Centre.

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

The Irish Defence Forces have a workplace policy on human rights and a dignity charter designed to create awareness of the Defence Forces' role and obligations in relation to gender-based violence and human rights. Furthermore, the Defence Forces ensures that its personnel deploying on active service to missions throughout the world receive detailed instruction in the areas of human rights afforded to minorities and women, cultural awareness issues and codes of conduct and behaviour both for the conduct

of their (respective) missions and also their individual behaviour. The instruction is tailored in order to fit a mission specific profile and to further contribute to Ireland's obligations pursuant to UN Security Council Resolution (UNSCR) 1325.

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

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

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

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

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

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

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

Specific provision is made for the rights of Defence Forces personnel to vote in national and local elections. Part X of General Routine Order 43 of 1955 provides for the implementation of the relevant Electoral Acts.

The Defence Acts provides for “Prohibition of membership of political and secret societies”, and for “Disqualification for membership of a local authority”.

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

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

Section III: Public access and contact information

1. Public access

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

The manner in which the Code of Conduct is implemented in Ireland is made public on the Defence Forces' official website www.military.ie.

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. 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 2011 - 2014.

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

2. Contact information

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

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

ATTACHMENT – LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

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

Name of the treaty	Party by: ratification P(R) , accession P(a) , succession P(s) , acceptance P(A) , approval P(AA) , or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments		
Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)		The criminal acts referred to in this Convention are established as offences by section 11 of the Air Navigation and Transport Act 1973.
Convention for the Suppression of Unlawful Seizure of Aircraft (1970)		The criminal acts referred to in this Convention are established as offences by section 11 of the Air Navigation and Transport Act 1973.
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)		The criminal acts referred to in the Convention are established as offences by section 3 of the Air Navigation and Transport Act 1975.
Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)		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, enacted on 8 March, 2005, enabled Ireland to ratify this Convention, which entered into force in Ireland on 30 June 2005.
International Convention against the		The criminal acts referred to in this

Taking of Hostages (1979)		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.
Convention on the Physical Protection of Nuclear Material (1979)		The criminal acts referred to in the Convention are established as offences by section 38 of the Radiological Protection Act 1991.
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)		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.
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)		The offences created in the Convention are established as offences in Irish domestic law in the Maritime Security Act 2004.
Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)		The offences created in the Convention are established as offences in Irish domestic law in the Maritime Security Act 2004.
Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)		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)		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)		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)		
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)		
Protocol Supplementary to the Convention for the Suppression of		

Unlawful Seizure of Aircraft (2010)		
The United Nations Convention Against Transnational Organized Crime (2000)		Ireland ratified this Convention on 17 June 2010.
The Council of Europe legal instruments		
European Convention on the Suppression of Terrorism (1977) CETS No: 090		
Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190		
Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196		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		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		
Additional Protocol to the European Convention on Extradition (1975) CETS No: 086		
Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098		
European Convention on Mutual Legal		

Assistance in Criminal Matters (1959) CETS No: 030		
Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099		
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		
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141		
Convention on Cybercrime (2001) CETS No: 185		

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

Agreement between the Government of Ireland and the Government of the Russian Federation on co-operation in combating illicit trafficking and abuse of narcotic drugs and psychotropic substances, signed at Moscow on 15 September 1999 and entered into force on 22 July 2000
Agreement between the Government of Ireland and the Government of the Russian Federation on Co-operation in Fighting Crime signed at Moscow on 15 September 1999 and entered into force on 22 July 2000
Agreement between the Government of Ireland and the Government of the Republic of Hungary on Co-operation in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and other Serious Crime, signed at Budapest on 3 November 1999 and entered into force on 17 August 2000
Agreement between the Government of Ireland and the Government of the Republic of Poland on Co-

operation in Combating Organised Crime and other Serious Crime, signed at Warsaw on 12 May 2001 (not yet in force)

Agreement between the Government of Ireland and the Government of the Republic of Cyprus on Co-operation in Combating Illicit Drug Trafficking, Money Laundering, Organised Crime, Trafficking in Persons, Terrorism and Other Serious Crime, signed at Dublin on 8 March 2002 and entered into force on 23 March 2006.

ANNEX II

INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT

I. Prevention

- 1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.**

- **Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of armed forces.**

The Defence Forces (DF) look at the 'special needs and contributions of women in Armed conflict' in a specific Gender training module employed by United Nations Training School Ireland (UNTSI). It is structured into the various courses run by the school namely, Human Rights, CIMIC and Overseas Pre-deployment training. Gender awareness lectures have now also been included in all Defence Forces career courses, suitable to the rank and experience of the students undergoing the course. This ensures that from the induction phase right through their Defence Forces career, a service member will receive gender training every time they progress in rank and also every time they deploy overseas. These briefings are delivered by the Defence Forces Gender Advisor or another qualified Gender Advisor.

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

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

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

In addition, a Gender Advisor has been appointed in each Brigade/ Formation and they assist the Defence Forces Gender Advisor in the implementation of UNSCR 1325. A Gender Focal Point (GFP) course has also been created and is now being rolled out across the Defence Forces. There are currently 48 Gender Focal Points qualified in the Defence Forces and this number will increase year on year as more courses are conducted. This will help to ensure a gender perspective is integrated into all Brigade/ Formations.

- **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 the deployed force will be a number of specifically nominated and trained Gender Focal Points (GFP). Gender Focal Point (GFP) courses are also conducted specifically for units deploying overseas in order to ensure they have qualified Gender Focal Points deployed within the unit.

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

The Irish Unit (109th Infantry Battalion) currently deployed with the United Nations Interim Force in Lebanon (UNIFIL), as part of the joint Finnish Irish Battalion (IRISHFINBATT), has a Gender Field Advisor deployed as the unit Chief of Staff and also has a number of trained Gender Focal Points positioned throughout the unit. (This gender chain is also in place within the Irish Unit (55th Infantry Group) currently deployed with the United Nations Disengagement Observer Force (UNDOF) in Syria). UNIFIL has also a Mission Gender Advisor appointed at FHQ level. Together these are developing relationships and plans with a view to gathering information from local women populations. The current Irish unit deployed in UNIFIL have recently reviewed and amended all Standard Operating Procedures (SOPs) to ensure they include gender perspective and they have also reviewed and amended many of the reports used by the unit in order to improve gender analysis within the Area of Responsibility (AOR).

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

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

Systematic Gender Analysis is not yet complete among the local populations within Lebanon. The 109th Infantry Battalion continue to liaise with the Mission Gender Advisor to facilitate the inclusion of local gender perspectives in its planning and execution of mandated tasks. IRISHFIN BATT team continues to target specific gender based projects and has assisted a local women's co-operative at Bint Jubayl, South Lebanon. Ireland has also funded the provision of power to 200 homes in Bayt Yahoun which will benefit the entire population of the village.

2. Measures to address the violation of the rights of women and girls, in line with international standards.

- **Number and percentage of military manuals, guidelines, national security policy frameworks, codes of conduct and standard operating procedures/protocols of national security forces that include measures to protect women's and girls' human rights.**

The Irish Defence Forces are heavily involved in the implementation of Ireland's National Action Plan (NAP) for the implementation of UNSCR 1325 and as such became only the second military to produce a Defence Forces Action Plan (DFAP) which includes measures to protect women's and girls' human rights. One of the objectives of the Defence Forces Action Plan is to;

“Review the Defence Forces code of Conduct for personnel deploying overseas to ensure complicity with UNSCR 1325 and UNSCR 1820 and to include effective mechanisms to prevent Gender Based Violence and Sexual Exploitation and Abuse”

The Defence Forces Action Plan tasks J1– Personnel Branch, in conjunction with the United Nations Training School Ireland (UNTSI), to review Defence Forces Codes of Conduct annually to ensure they are compliant with international best practice and recent policy documents.

The Irish Defence Forces also have a workplace policy on human rights and a dignity charter designed to create awareness of the Defence Forces' role and obligations in relation to gender-based violence and human rights. The Defence Forces are also members of and participate in the Irish Consortium of Gender Based Violence and utilise it as a source of best practice and current information.

The Defence Forces also have an Equality and Diversity policy which includes detailed guidelines on Gender, Diversity and Anti Racism and Equality of Opportunity.

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

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

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

The current Irish unit deployed in UNIFIL have recently reviewed and amended all Standard Operating Procedures (SOPs) to ensure they include gender perspective.

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

The Defence Forces workplace policy on human rights and a dignity charter carries through to overseas service. The Defence Forces ensure that personnel deploying on overseas missions receive detailed instruction in the areas of human rights afforded to minorities and women, cultural awareness issues 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.

In 2016 a total of 4,500 applications were received during the General Service Competitions 2016. In the 2016 recruitment competitions 680 or 15% were female. The female rate of applicants for 2015 was 10%. This represented an increase of 50%. A total of 47 females were inducted to the Defence Forces in 2016 and 23 females were inducted in 2015 which is an increase of 104%. Over the past 10 years the percentage of female applicants for General Service Recruitment Competitions has been in the region of 10%. During the 2015 General Service Recruitment Competition, of the 4,067 candidates who participated, 421 were female. This represents 10.35% of the total.

4,807 overall applications were received for the Cadetship Competitions in 2016, which is a record year since the introduction of Candidate Manager in 2006. The previous highest number of applicants was 2607 in 2013, which was during the recession. Each service had a significant increase: Army is 2683 applicants, Air Corps is 1279 applicants and Naval Service 845 applicants. The improving economy and job situation was a perceived barrier to the 2016 competition, which makes the results all the more impressive. In total there were 779 female applicants in 2016 which again is a record, and an increase of 257% on 2015. The overall percentage of female applicants across all competitions was 16.2%, an increase of 4% from 2015, which again is a dramatic increase.– **Establishment of policies to attract female candidates (Targeted campaigns, review of accession tests, etc).**

The fitness test has proved the biggest barrier for females in General Service competitions. Therefore the 2016 competition did not require applicants to undergo the fitness test until 6 - 8 weeks after application/closing date of the competition. Previous to 2016, the fitness test was the first stage of the competition but psychometric testing was instead introduced as the new first stage to allow applicants an appropriate amount of time to prepare for the fitness test. Each applicant was issued an automated response after their application with a hyperlink to the DF fitness test demonstrations and a copy of a suitable training programme.

In addition, all female candidates were contacted immediately after the closing date for applications to invite them to their local barracks for a female fitness & information evening. This outreach event allowed female applicants the opportunity to receive information such as training programs specific to their fitness levels and demonstrations of techniques for all aspects of the fitness test. This initiative was to counter any reservations female applicants may have regarding the fitness test. It was also an opportunity for female applicants to meet serving DF females and receive realistic job previews including Q&A.

Outside expertise was utilised to identify our female target audience. Following on from this, ROTHCO PR Company and the DF developed the campaign video with the primary objective of increasing female applications from a demographic most likely to engage with the competition after

application. A Digital Video was produced and shown across all Social Media platforms (Facebook, Twitter, Youtube) and in cinemas. The reach was exponential, and across all platforms, including cinema, this video reached well in excess of 1 million people. This had a positive effect in overall DF branding nationwide. The campaign video (with a female NCO role model) and DF efforts to increase female participation generated a high degree of positive media interest which the Press Office were able to capitalise on. OIC Recruitment and Competitions and the DF Gender, Diversity and Equality Officer were pushed out as the DF subject matter experts in this regard. These media forms were assessed as an excellent mechanism for publicising DF policies on gender, diversity & inclusiveness in terms of the composition of the recruitment pool. The video and supporting outreach campaign created interest in the DF from persons but particularly females that may not have considered us as a career choice before. It also targets key influencers such as parents and Guidance Councillors. The DF increased engagement opportunities with female candidates through dedicated initiatives such as fitness test and information open days. These information took place in barrack locations 6 – 8 weeks prior to female candidates being called for their fitness test.

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 2016, 64% of civil servants serving in the Department of Defence were women. In terms of key management positions, at 31 December 2016

of serving Principal Officers 37% were women (7 of 19), while 34% of Assistant Principals serving on that date were women (14 of 41).

Finally, it is important to note that the Irish Government has adopted the Civil Service Renewal plan covering all Departments of State which puts a strong emphasis on enhanced HR strategies including addressing gender issues.

– 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 31 March 2017 was 9,154. Of this, 582 were female. This represents 6.36% of the total strength. Of the 1,106 Officers, 131 or 11.84% were female. Within the 3,225 personnel at NCO rank, 205 or 6.36% were female. There were 4,828 enlisted ranks (including 130 Cadets), of which 242 or 5.01 % are female.

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

Currently, there are four (4) cases of alleged gender-based discrimination which are being investigated.

There are two (2) recorded complaints regarding sexual harassment.

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

The Defence Forces has established a DF Women's Network. The aim of the Defence Forces Women's Network is to support women in all aspects of their work. The purpose of the network is to provide an inclusive workplace for women in the hope that it will lead to greater participation at all levels. It is hoped that initiatives and ideas raised by the network will help contribute to family friendly policies for males and females in the long term. However, these policies will be to the benefit of both sexes. Following on from the successful roll out of Family Friendly overseas appointments in 2015 the policy of allowing job sharing for certain appointments within the UNIFIL mission continued in 2016. Six (6) appointments have been identified (1 x Commandant, 1 x Captain, 1 x Private, 1 x Corporal, 1 x Sergeant, 1 x Company Sergeant) and advertised along with the regular appointments for that unit.

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

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

The number of personnel participating in overseas peacekeeping missions on 31 March 2017 was 583. Of these 29 or 5.07% were female.

Within the 146 Officers serving overseas, 18 or 12.330% are female. Of the 437 enlisted ranks overseas 13 were female which represents 2.97%. In 2016 two officers attended the UN Women's Course on Peacekeeping.

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

The Defence Forces have deployed two Gender Advisors to UNIFIL in 2016. The Defence Forces have an officer in the United Nations Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO) who is carrying out Gender Advisor roles in addition to other duties. In the EU-led Training Mission in Mali the Defence Forces have an officer who is advising on Gender Perspective in addition to their other roles.

– 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; however the Defence Forces are aware of its obligations to all international mission instructions pursuant to UNSCR 1325.

IV. Other information