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ENGLISH only

PERMANENT MISSION OF IRELAND TO THE OSCE

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NOTE VERBALE

The Permanent Mission of Ireland to the Organization for Security and Co-operation in Europe presents its compliments to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre (CPC) and has the honour to convey Ireland's return pertaining to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security for the year 2013.

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

Vienna, 25 April 2013



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

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

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, 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 provision, which can be brought into operation from time to time by Government order, 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.

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 the Garda Síochána. This force also conducts the intelligence gathering function associated with the prevention and investigation of crime including terrorism. The 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. This includes ongoing co-ordination of the responses of 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.

The Defence Forces provide military personnel, on request of the Garda Síochána, in an aid to the civil power (ATCP) capacity. The roles performed include but are not confined to the following: provision of specialist Explosive Ordnance Disposal (EOD) services; provision of Prisoner and Cash in Transit armed escorts; provision of Special Forces capabilities (Army Ranger Wing); security of Government Buildings complex, Dublin. 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:

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:

Legal co-operation including extradition:

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 the terrorist attacks in London in July 2005, the EU adopted a series of new measures to further accelerate its work on combating terrorism.

The EU Council framework decision on attacks against information systems, to which Ireland is a party, entered into force on 16 March 2005. The aim of the framework decision is the approximation of Member States' criminal law in order to ensure the greatest possible police and judicial cooperation in the area of attacks against information systems and to contribute to the fight against organised crime and terrorism. The national measures necessary to implement the provisions of the framework decision, including national legislation, are currently being prepared.

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 must have Government approval. 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 to both sign and ratify 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.

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. Ireland worked closely with the EU and other like-minded States to agree an Arms Trade Treaty (ATT) in the UN General Assembly on 2 April following the Final Conference in March 2013. 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; we will move quickly to ratify the new Treaty and wish to see it enter into force without delay.

Ireland has also demonstrated its commitment to arms control through its continual work on legislation governing the use, stockpiling and trade of arms. 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.

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 Military Posture;

The Constitution 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 Acts 1954-2011 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 Oglaiigh na hEireann 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 2011 provide the legislative basis for the Defence Forces (Óglaiigh 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 Force strength is 9,500. The Reserve Defence Force consists of the First Line Reserve, Army Reserve and Naval Service Reserve. The approved strength of the Army Reserve is 3,869 and the Naval Service Reserve is 200. There is no fixed strength for the First Line Reserve.

Defence Expenditures;

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.

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 2000, sets out Government policy on defence to ensure an appropriate level of defence capability having regard to the changing defence and security environment both at home and abroad.

In this regard, a broad range of actions within the Defence Organisation are required in the development of appropriate military capabilities. These actions include investment in new equipment and infrastructure, military doctrine, HR policies and regulatory reform. These efforts are coordinated by enhanced senior management structures, within the Defence Organisation, such as the Strategic Management Committee, High Level Planning and Procurement Group, etc.

The Defence Capability Framework outlines 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. This framework is a work in progress and is continuously evolving in terms of the changing security environment and requirements of

the Defence Forces. Likewise, the outcomes of the process of meeting the quantitative and qualitative targets will feed back into strategic considerations on an ongoing basis.

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, Equality and Law Reform. The Garda Síochána has operational independence subject to the general financial and regulatory framework established by the Minister. All senior officers, including the Commissioner, are appointed by the Government. The Garda Commissioner's Strategy Statements and annual policing plans are subject to the approval of the Minister. The Commissioner must report to the Minister as required. The Minister is, in turn, politically accountable to the Irish Parliament for the Garda Síochána.

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 which came into force on 1 August, 2005, represents the first major revision of the operation of the Garda Síochána since the foundation of the state. The Act made provision for:

- (i) A new legislative structure for the management of the Garda Síochána, in particular by clarifying the role and objectives of the Force and defining its relationship with the Minister and Government of the day;
- (ii) The establishment of the new independent body - the Garda Síochána Ombudsman Commission to replace the existing Garda Síochána Complaints Board - the primary function of which is to investigate complaints by members of the public against members of the Garda Síochána, and
- (iii) new accountability arrangements by providing for:
 - (a) the establishment of the independent 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, and
 - (b) New procedures relating to the accountability of members of the Garda Síochána for the discharge of their official duties and the duty of the Garda Commissioner to account and provide information to the Government, as well

as provisions governing the summary dismissal of certain ranks by the Commissioner.

The Act also provided for new measures in relation to the establishment of joint policing committees, a statutory basis for Garda and community-based CCTV systems, provisions for the exercise of special powers by private security officers at State Buildings and Offices and the making of regulations relating to the reporting of corruption and malpractice in the Garda Síochána ('Whistle Blowers' Charter').

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 Act, 1954-2011, 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 29 February 2000, sets out Government policy on defence together with a 10 year strategy to ensure an appropriate level of defence capability having regard to the changing defence and security environment both at home and abroad. These policies are consistent with broader Government objectives on foreign and security policy at national and international level.

The roles of the Defence Forces are defined as follows:

- to defend the State against armed aggression; This being a contingency, preparations for its implementation will depend on an on-going Government assessment of the security and defence environment;
- To aid the civil power (meaning in practice to assist, when requested, the Garda Síochána, who have primary responsibility for law and order, including the protection of the internal security of the State);
- To participate in multinational peace support, crisis management and humanitarian relief operations in support of the United Nations and under an mandate, including regional security missions authorised by the UN;
- To provide a fishery protection service in accordance with the State's obligations as a member of the EU;
- To carry out such other duties as may be assigned to them from time to time, e.g., search and rescue, air ambulance service, ministerial air transport service, assistance on the occasion of natural or other disasters, assistance in connection with the maintenance of essential services, assistance in combating oil pollution at sea.

In 2011, the Minister for Defence announced his intention to prepare a Green Paper on Defence. The Green Paper is intended to act as a discussion paper, elicit an informed debate regarding Ireland's future defence policy and inform the development of a new White Paper on Defence, which is scheduled for publication in 2014. Pending the publication of the new White Paper, the current White Paper on Defence, published in 2000, continues to provide the policy framework and development strategy for Defence.

The Department of Defence and Defence Forces Strategy Statement 2011-2014 sets out the high level goal and strategic objectives of the organisation for the next three years.

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 - 2011 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.

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 has produced a National Action Plan on UNSCR 1325 for 2011 - 2014. The National Action Plan was developed in cooperation with relevant divisions of the Department of Foreign Affairs and Trade, Irish Aid, Department of Defence, Defence Forces, Department of Justice and Equality and An Garda Síochána. The development of the National Action Plan also involved a comprehensive consultation process with relevant civil society organisations. A Defence Forces Implementation Working Group has been established with a view to monitoring the implementation of the National Action Plan on UNSCR 1325 in so far as it affects the Defence Forces. The Defence Forces have also created a specific Staff Officer Gender Advisory expert appointment to co-ordinate professional development and training in this field for the Defence Forces, and to monitor application of UN 1325 across all of the Defence Forces activities at home and abroad.

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 2000 ‘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 2011. 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 also available to the public through 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 Taking of Hostages (1979)		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.
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		The offences created in the Convention are established as offences

Fixed Platforms Located on the Continental Shelf (1988)		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)		
The Council of Europe legal instruments		
European Convention on the Suppression of Terrorism (1977) CETS No: 090		Ratified by Ireland on 21/2/1989
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		
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		
European Convention on Extradition (1957) CETS No: 024		Ratified by Ireland on 2/5/1966
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		Ratified by Ireland on 28/11/1996
Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099		Ratified by Ireland on 28/11/1996
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		Ratified by Ireland on 26/7/2011
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141		Ratified by Ireland on 28/11/1996
Convention on Cybercrime (2001) CETS No: 185		Signed by Ireland on 28/2/2002

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. Within the DF newly commissioned Officers complete a module on their Peace Support Operations (PSO) Platoon 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.

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

The Defence Forces has a pool of five trained Subject Matter Experts (2 x Lieutenant Colonel, 2 x Commandant, 1 x Captain) available to conduct a 'Train the Trainers' level courses. A further two personnel will be trained during 2013. 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 diverse Subject Matter Experts and to provide and maintain an administrative environment which will lead to an unencumbered learning environment.

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 Platoon 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.

- **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 DF have included a gender awareness module that must be completed by the specifically nominated Gender Focal Point officer as well as a number of additional personnel within that unit.

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

The Irish Battalion currently deployed with the United Nations Interim Force in Lebanon, as part of the joint Irish Finnish Battalion (IRISHFINNBATT), has a Gender Focal Officer deployed with it. 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.

IRISHFINNBATT is cognisant of the sensitivity of all information activities pertaining to the female population in IRISHFINNBATT 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 MGA, 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. 107 IRISHFINNBATT continue to liaise with the Mission Gender Advisor to facilitate the inclusion of local gender perspectives in its planning and execution of mandated tasks. IRISHFINNBATT humanitarian team continues to target specific gender based projects and is currently assisting a local women's co operative at Bint Jubayl, South Lebanon. The plan to assist this group in an income generating project which sources local agricultural produce for processing and sale is nearing conclusion.

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

- **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 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.

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.

Over the past 10 years the percentage of female applicants for General Service Recruitment Competitions has been in the region of 6%. During the 2012 General Service Recruitment Competition, of the 10,156 candidates who participated, 538 were female. This represents 5.3% of the total.

During the same period, the overall percentage of female applicants for Cadetship Competitions has been in the region of 20%. In the 2012 Cadetship Competition, of the 2,164 applicants 279 were female. This represents 13%

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

As an equal opportunities employer, advertising campaigns for the Defence Forces are, in general, gender neutral. However during recent recruitment and cadetship competitions, the Defence Forces engaged in targeted campaigns at females through social media, e.g. facebook, to stimulate interest in the military as a career for women.

– 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 Mar 2013 was 9,253. Of this, 565 are female. This represents 6.1% of the total strength. Of the 1,272 Officers, 144 or 11.3% are

female. Within the 3,269 personnel at NCO rank, 187 or 5.7% are female. There are 4,666 enlisted ranks, of which 233 or 5 % are female.

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

There are no recorded complaints in regards to discrimination or sexual harassment.

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

The Defence Forces engage in regular analysis of retention and promotion practices for men and women in the forces.

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 2013 was 435. Of these 26 or 5.98% are female.

Within the 123 Officers serving overseas, 7 or 5.7% are female. Of the 312 enlisted ranks overseas 19 are female which represents 6.1%.

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

Since May 2012 the Defence Forces have deployed a gender advisor to UNIFIL with every major troop rotation. This appointment comes under the remit of the Bn COS.

– 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.

II. 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.

III. Other information

- The UNSCR 1325 National Action Plan was launched in 2011. An 18th month progress review of the National Action Plan is currently underway.