

Adoption: 21 June 2024
Publication: 24 September 2024

Public
GrecoRC5(2024)8

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

COMPLIANCE REPORT

IRELAND



Adopted by GRECO
at its 97th Plenary meeting (Strasbourg, 17-21 June 2024)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. INTRODUCTION

1. The fifth GRECO evaluation round concerns “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”.
2. This Compliance Report assesses the measures taken by the Irish authorities to implement the recommendations made in the [Fifth Round Evaluation Report on Ireland](#), which was adopted by GRECO at its 91st plenary meeting (13-17 June 2022) and made public on 16 February 2023, following authorisation by Ireland.
3. As required by GRECO’s Rules of Procedure,¹ the Irish authorities submitted a Situation Report containing information on measures taken to implement the recommendations in the Evaluation Report. That report was received on 22 December 2023 and served as a basis for this Compliance Report.
4. GRECO selected Austria (in respect of top executive functions in central governments) and Malta (in respect of law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Silvia THALLER, on behalf of Austria, and Mr Mario SPITERI on behalf of Malta. They were assisted by GRECO’s Secretariat in drawing up this report.
5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and gives an overall appraisal of the level of the member’s compliance with these recommendations. The implementation of any outstanding recommendations (partly or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after this Compliance Report is adopted.

II. ANALYSIS

6. GRECO addressed 18 recommendations to Ireland in its Evaluation Report. Compliance with these recommendations is dealt with below.

Preventing corruption and promoting integrity in central governments (top executive functions)

Recommendation i

7. *GRECO recommended laying down rules requiring that integrity checks take place ahead of or right upon appointment of Ministers, Ministers of State and the Attorney General in order to identify and manage possible conflicts of interest.*
8. The authorities state that, under the Constitution, Ministers and Ministers of State must be chosen from among the members of the legislature. They will therefore have already

¹ The compliance procedure for the Fifth Evaluation Round is governed by GRECO’s Rules of Procedure as amended. See Rule 31 revised bis and Rule 32 revised bis.

passed the integrity checks provided for under the statutory framework for Ethics in Public Life. These include the obligations to furnish to the Standards Commission a statement and certificate of tax compliance and an annual declaration of registrable interests. In addition, the Department of Public Expenditure, National Development Plan Delivery and Reform recently completed a comprehensive review of the statutory framework for Ethics following a commitment made in the 2020 Programme for Government. The Report of the Review was agreed by Government in December 2022 and published in February 2023. The Government also agreed to the preparation of legislative proposals for the reform of the statutory framework on the basis of the outcome of the review undertaken. It is foreseen that the new proposals will reinforce the existing regime of integrity checks on PTEFs by requiring annual evidence of tax compliance, expanding the personal and material scope of declarations of interest, and strengthening the powers of the Standards Commission to investigate and sanction contraventions. These proposals will be published shortly.

9. GRECO takes note of these developments, notably of the preparation of legislative proposals following the report on the review of the statutory framework for Ethics in Public Life – which are not yet published. In this respect, GRECO looks forward to receiving information on the reinforcement of integrity obligations for Ministers and Ministers of State. GRECO is also looking forward to receiving information in this respect for the Attorney General.
10. GRECO concludes that recommendation i has not been implemented.

Recommendation ii

11. *GRECO recommended laying down rules requiring that Secretaries General and Special Advisers undergo integrity checks as part of their recruitment in order to avoid and manage possible conflicts of interests.*
12. The authorities report that, in the context of the final report of the Independent Review Panel on Senior Public Service Recruitment and Pay Processes (published in June 2023 by the Minister for Public Expenditure National Development Plan Delivery and Reform), general consideration could be given to this recommendation.
13. The authorities reiterate that in instances where candidates for the position of Secretary General are already at the level of an Assistant Secretary General in the Civil Service, or an equivalent level in the wider Public Service, they will already have submitted annual declarations of interest. This is a part of their obligations under the current statutory framework. In addition, as a result of a recent amendment to the process of application for positions at Assistant Secretary or Secretary General level, candidates are henceforth required to declare that, if appointed, they will be in a position to adhere to the rules that apply to senior civil servants in respect of disclosures of interests, tax compliance and standards of behaviour, as set out in the Ethics Act (the statutory framework covering ethical behaviour in public office).

14. In respect of special advisers, the authorities report that the statutory framework requires that the office holder who engages a special adviser must lay before each House of legislature: a copy of the contract of the special adviser or a statement in writing of its terms and conditions; a copy of a statement of interests of the special adviser (and any interest of their spouse, or civil partner, or their or their spouse's child of which they have knowledge that could materially influence them in relation to their functions) furnished to the office holder; a statement as to whether the special adviser is a relative of the office holder; and a statement of the qualifications of the person relevant to his/her functions as a special adviser.
15. GRECO takes note of the information provided by the authorities of Ireland. It welcomes the progress made with the introduction of an amendment affecting the recruitment process of, *inter alia*, candidates for the posts of Secretaries General. These candidates are now required to declare that, if appointed, they will be in a position to adhere to the rules that apply to senior civil servants in respect of disclosures of interests, tax compliance and standards of behaviour, as set out in the Ethics Acts. However, no progress seems to have been made with respect to special advisers, also required by this recommendation. In the light of the progress made with respect to secretaries general, but the absence of any developments with respect to special advisers at this stage, GRECO concludes that recommendation ii has been partly implemented.

Recommendation iii

16. *GRECO recommended that any risk assessment carried out at Government level identifies risks specific to persons with top executive functions in order to inform corruption prevention policies applying to them.*
17. The authorities report that proposals to reform the statutory framework for Ethics in Public Life are currently under consideration that will seek, *inter alia*, to embed a risk-based approach to identifying possible breaches of the statutes by persons with top executive functions.
18. GRECO takes note of this development. In the absence of any further information at this stage, GRECO concludes that recommendation iii has not been implemented.

Recommendation iv

19. *GRECO recommended (i) that codes of conduct for persons with top executive functions covering all relevant integrity matters (conflicts of interest, contacts with lobbyists and third parties, secondary activities, gifts and hospitality, confidential information, post-employment restrictions, etc.) and with proportionate sanctions be adopted, together with practical guidance, and (ii) that they be made easily accessible to the public.*
20. The authorities reiterate that a number of codes of conduct are currently in place covering conflicts of interest and other integrity matters for PTEFs. The Ethics Acts provide that Ministers, Secretaries General, and Special Advisers are required to have regard to the relevant code of conduct and be guided by it in the performance of their

functions. The Code of Conduct for Office Holders includes detailed guidance on the requirements of the Acts, while the code for civil servants provides that breaches of its provisions will constitute a breach of the terms of employment and may result in disciplinary sanctions, up to and including dismissal. Both codes are publicly available on the Standards Commission's website. In addition, it is intended that the legislative proposals to overhaul the statutory framework will provide for the Standards Commission to draft a model Code of Conduct on the basis of which public bodies will then prepare codes of conduct in respect of their staff. These will cover, *inter alia*, persons with top executive functions as regards the integrity matters specified. The legislative proposals in development will also provide for appropriate sanctions and for practical guidance, which will be made available on the Standards Commission's website.

21. GRECO takes note of this development. In the absence of any further information at this stage, GRECO concludes that recommendation iv has not been implemented.

Recommendation v

22. *GRECO recommended that (i) briefings and/or practical training on integrity standards contained in the code of conduct for persons with top executive functions systematically take place upon taking office and on a regular basis thereafter; and (ii) the Attorney General, secretaries general and special advisers, like ministers and ministers of state, have access to confidential advice on all relevant integrity standards.*
23. The authorities indicate that the Standards Commission provides training to Ministers and other members of the Oireachtas on their obligations under the Ethics Acts each January. The Commission also publishes guidelines for all public officials with obligations under the Acts and provides confidential advice on disclosure of interests to PTEFs who request it, including the Attorney General, Secretaries General, and Special Advisers. The legislative proposals to reform the statutory framework for Ethics in Public Life (see replies to recommendations i, ii, iii and iv, above) envisage that the Standards Commission will continue to have a statutory function in providing information and advice, as well as in preparing and publishing guidelines for the purposes of assisting persons to whom the legislation applies in complying with their obligations.
24. GRECO takes note of this development and as no further information is available at this stage, concludes that recommendation v has not been implemented.

Recommendation vi

25. *GRECO recommended that rules be laid down to govern (i) contacts between persons with top executive functions and lobbyists/third parties that seek to influence the public decision-making process; (ii) the disclosure of such contacts, the names of the persons met and the subject-matters discussed; and that (iii) the Attorney General be covered by these rules.*

26. The authorities reiterate that the rules currently in place governing contacts between persons with top executive functions (hereinafter: PTEFs) and lobbyists/third parties seeking to influence the public decision-making process are set out in the 2015 Regulation of Lobbying Act. This Act is designed to provide information to the public about who is lobbying whom about what. Under the Act, those who are lobbying must make a return every four months to the register that is available at lobbying.ie. It is not considered appropriate for public officials to police the activities of lobbyists, nor would this be possible on a practical level. Compliance with the law is a matter for those engaged in lobbying (within the definition set out in the Regulation of Lobbying Act 2015). While public officials have no statutory responsibilities under the Regulation of Lobbying Act, they are, of course, subject to other transparency measures such as the Ethics Acts, Freedom of Information provisions, appearances before Oireachtas Committees etc.
27. GRECO takes note of this information. It refers to paragraph 80 of the Evaluation Report, stating that under the Regulation of Lobbying Act, the onus of reporting contacts with PTEFs is entirely on lobbyists, who are the only ones required to report contacts. In order to increase the accountability of PTEFs and achieve a balance on obligations weighing on both sides, PTEFs should also be required to publish, at regular intervals, accounts of the lobbyists and third parties seeking to influence government that they have met, and the topics discussed. The Attorney General, as the chief legal adviser to the Government, should also be covered by these rules. This is currently not the case.
28. GRECO concludes that recommendation vi has not been implemented.

Recommendation vii

29. *GRECO recommended that ad hoc conflicts of interest of persons with top executive functions be declared to the Standards Commission before a decision-making process starts and that the person concerned withdraw from the process where needed.*
30. The authorities report that the current legislation provides for *ad hoc* declarations of interest by PTEFs. Office holders are required to disclose a material interest before performing a function of their office to which the interest relates, while Secretaries General and Special Advisers are further required not to perform such functions unless there are compelling reasons to do so. PTEFs currently furnish these *ad hoc* declarations to the Standards Commission, with the exception of Secretaries General, who do so to another relevant authority. The provisions in respect of *ad hoc* declarations of interest will be reinforced as part of the legislative proposals to overhaul the statutory framework currently being prepared. In particular, it is envisaged that *ad hoc* conflicts of interest of persons with top executive functions will be required to be declared to the Standards Commission and that the Commission will publish declarations.
31. GRECO takes note of this development. In the absence of any further information at this stage, GRECO concludes that recommendation vii has not been implemented.

Recommendation viii

32. *GRECO recommended that post-employment restrictions be strengthened, in particular (i) by making rules on taking employment after leaving office enforceable for all persons with top executive functions (PTEFs); and (ii) by ensuring that the Standards Commission be given the powers to investigate and impose sanctions in case of breaches of the rules on lobbying and taking employment after leaving government for all PTEFs.*
33. The authorities report that a new Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act was passed by the legislature in 2023 (hereinafter: the 2023 Act), amending the 2015 Lobbying Act, which already provided significant post-employment restrictions in respect of lobbying. The 2023 Act builds on the existing strong legislative foundation and makes failure to comply with the post-term employment restrictions (set out in Section 22 of the 2015 Act) a relevant contravention and introduces significant civil and administrative sanctions for anyone contravening this element of the legislation. The sanctions include: a caution or reprimand, a monetary penalty of up to 25,000 EUR and a prohibition from lobbying of up to two years.
34. The authorities also report that on 7 November 2023, the Minister for Public Expenditure, National Development Plan Delivery and Reform signed the commencement order for the 2023 Act. This order adopts a two-phased approach to the commencement of the 2023 Act. The provisions in the 2023 Act that relate to updating and improving the lobbying register commenced on 1 January 2024. This is to allow the Standards in Public Office Commission (hereinafter: “SIPO”) time to update the lobbying register and the associated guidance, and to make lobbyists aware of the upcoming changes. The remaining provisions, which relate to new sanctions, including those relating to contravention of the Section 22 post-term employment cooling-off provisions, commenced on 1 June 2024.
35. The authorities further report that the new legislative proposals for the reform of the Ethics regime will provide for the Standards Commission to assume the role and functions of the Outside Appointments Board (OAB) for the Civil Service and local government sectors. The OAB is an independent body that was established in 2005 under the Civil Service Code of Standards and Behaviour. Its mandate is to maintain public trust in the Civil Service by independent scrutiny of post-employment opportunities that civil servants propose to take up within one year of resigning or retiring. The Board is empowered to attach conditions to post-employment appointments by requiring applicants to observe ‘cooling-off’ periods and to refrain from dealing with bodies or clients with whom they were previously involved at an official level. The new proposals will significantly strengthen post-employment restrictions for Secretaries General by placing the outside appointments regime on a statutory footing.
36. GRECO welcomes the adoption of the Act on the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment). This Act aims to strengthen compliance and enforcement, including, in particular, of the cooling-off provision by subjecting breaches

to a system of civil and administrative sanctions to be operated by the Standards Commission (SIPO). This is certainly a major step forward in what was identified as a key weakness of the lobbying regime.

37. However, the scope of recommendation viii is broader as it calls for further strengthening post-employment restrictions, beyond lobbying and the enforcement aspect of it. Several shortcomings were identified in the Evaluation Report which do not appear to be addressed yet. Firstly, GRECO did not consider advisable the possibility of waiving the cooling-off period for lobbying roles². Secondly, GRECO was of the view that restrictions should not only cover the specific area in which a PTEF was involved in government decision-making, but more generally of the cabinet as a whole. In this respect, GRECO looks forward to receiving an update on the Standards Commission's new role that will be introduced under the new legislative proposals for the reform of the Ethics regime.
38. Beyond lobbying restrictions and in relation to employment in private entities after leaving government, GRECO considered that the applicable rules should be made enforceable and that supervisory and sanction powers be given to the Standards Commission. GRECO was also of the view that the system would gain in clarity if the same procedure applied to all PTEFs and the same body was in charge of the supervision of both lobbying and employment. No changes were reported so far in relation to these matters.
39. GRECO therefore concludes that recommendation viii has been partly implemented.

Recommendation ix

40. *GRECO recommended (i) extending the obligations upon persons with top executive functions (PTEFs) to disclose their interests to include quantitative data on their significant financial and economic involvements as well as in respect of significant liabilities; (ii) ensuring that statements of interests of PTEFs be subject to regular substantive checks, with proportionate sanctions in case of breach, and adequate resources be allocated to the Standards Commission to this end.*
41. The authorities report that the legislative proposals to reform the statutory framework for Ethics in Public Life are currently in preparation. These should see an extension of the disclosure obligations on PTEFs who will be required to make confidential declarations of the amount of their income from other employment and of their significant assets and liabilities. Moreover, the proposals will empower the Standards Commission to conduct more rigorous investigations in cases of suspected contravention, and to impose or recommend a range of proportionate sanctions where it finds that an offence has occurred. In addition, heads of public bodies will be required to have regard to Statements of Interests made under the legislation when assigning responsibilities and functions within the body.

² A PTEF can apply to the Standards Commission for consent to waive their cooling-off period.

42. GRECO takes note of this information. In the absence of any further information at this stage, GRECO concludes that recommendation ix has not been implemented.

Preventing corruption and promoting integrity in law enforcement agencies (An Garda Síochána)

Recommendation x

43. *GRECO recommended that the framework on access to policing information be reviewed to make information more readily available while preserving the integrity of ongoing investigations.*
44. The authorities reiterate that the An Garda Síochána processes Freedom of Information (hereinafter: “FOI”) requests in accordance with the terms of the Freedom of Information Act 2014 (hereinafter: “FOI Act 2014”). An Garda Síochána is one of over 30 public bodies defined by the Act as “partially included agencies”, and any proposed amendments to broaden its remit in respect of An Garda Síochána is a matter for the Department of Public Expenditure National Development Plan Delivery and Reform (hereinafter: “the Department”), as the responsible Department for FOI. An Garda Síochána is one of a number of public bodies whose obligations under FOI are limited to just administrative matters, as opposed to core operational functions. In each case, consideration is afforded to the necessity for a certain degree of confidentiality in respect of sensitive operational matters. This is provided for in the preamble to the FOI Act 2014. As such, the Act recognises the public interest in public bodies maintaining a degree of confidentiality associated with operations in certain circumstances.
45. The authorities report that in 2021, the Department commenced a review of the FOI Act 2014, which included a public consultation phase during 2022 open to all interested parties to contribute. The Minister for the Department updated Government on the Review of the Act and the Review of the Freedom of Information Act Progress Update was published in December 2022. A report flowing from the review will be presented to the Minister for the Department in due course.
46. The authorities explain that the Central Statistics Office (hereinafter: “CSO”) are the official publishers of crime statistics for Ireland based on information provided by An Garda Síochána. Information is provided directly to the CSO for these purposes on a monthly basis. The CSO in turn produce quarterly and annual crime statistics. These are available for all crime groupings and for many individual crime types at a national, regional and station level.
47. The authorities also explain that the Garda Síochána Analysis Service (GSAS) is an operational support service, which has taken over responsibility for the provision of all external statistics and also for thematic reports on crime trends over the last 3-4 years. GSAS provides responses to Parliamentary Questions, where possible to do so. GSAS continues to provide the monthly crime trends update for inclusion in the Commissioner’s Monthly Report to the Policing Authority, which was revised in August 2023 to include greater visibility on particular incident types. Further proactive

publications are planned by GSAS for release in 2024. This is part of the overall aim to increase transparency and to support access to information on crime trends by all external users and the general public. The Garda Research Unit is also a part of GSAS and receives all requests to conduct research with the organisation, including requests from academics, students and NGOs. Research requests include permission to conduct primary qualitative research and those seeking provision of statistical information. The aim is to facilitate all such requests (approximately 150 requests per year).

48. GSAS also works in conjunction with key internal stakeholders to provide statistical and crime trend information to support crime prevention and public awareness campaigns. Examples from 2023 include thefts of imported vehicles, accommodation frauds and the launch of the winter phase of “Operation Thor” targeting residential burglaries. Various other information on crime trends may be provided locally to Joint Policing Committees. The latter are being replaced by Local Community Safety Partnerships (LCSP) and three LCSP pilots are currently running in Dublin North Inner City, Longford and Waterford. In consultation with the Department of Justice and the LCSPs, GSAS has designed a quarterly crime trends report for use at the meetings. These contain a variety of charts and tables to show trends in the LCSP and nationally (for context and or comparison). The reports are designed so that they may be shared publicly, including with the media.
49. GSAS adhere to the highest standards for protection of personal data processed for law enforcement purposes, in line with the requirements of Part 5 of the Data Protection Act 2018 (hereinafter: “the 2018 Act”), which transposed the Law Enforcement Directive (EU 2016/680) into national law. Personal data may be processed by competent authorities for law enforcement where necessary and proportionate for statistical and research purposes (in line with Section 71(6)(b) and (c) of the 2018 Act), provided that processing is subject to appropriate safeguards for the rights and freedoms of data subjects. Care is taken to ensure any information released for statistical purposes does not identify or make identifiable any data subject where it is not necessary to do so. GSAS therefore follow an approach informed by advice from the Data Protection Unit in An Garda Síochána to withhold low volume counts, and therefore generally no figures less than 10 are provided. Figures between 5 and 10 are provided in some specific circumstances where it is necessary to do so and there are lower risks to the individual data subjects concerned.
50. GRECO takes note that the FOI Act 2014 is currently being reviewed and that a report will be produced on this review. It also takes note that the CSO and the GSAS have roles in publishing crime statistics and that more proactive publications are planned in 2024. GRECO notes that some of the information was already provided in the Evaluation Report (see paragraphs 147 to 151). It reiterates that the aim of this recommendation is for a reflection to be engaged on how to improve the current legal framework on access to policing information, as more transparency will benefit the general trust in An Garda Síochána. GRECO is looking forward to further developments to that end.
51. Consequently, GRECO concludes that recommendation x has not been implemented.

Recommendation xi

52. *GRECO recommended that further measures be taken to modernise the Garda Information Technology systems and the way they are used in order to better monitor integrity breaches and inform risk assessments.*
53. The authorities report that the Garda ICT and the Garda Anti-Corruption Unit (GACU) have undertaken research, including consulting with other police services, to identify technology with the capability of providing lawful business monitoring functionality and the policy and or legislation required for the use of same. The intention is to develop a business case for the funding of the acquisition and implementation of such a technology system in An Garda Síochána. Such technology could assist in monitoring and auditing the access and use of Garda ICT systems, and in the restriction of the access of sensitive incidents to those with a legitimate business need.
54. The authorities also refer to the core incident record management system of An Garda Síochána, known as PULSE, its associated Investigation Management System (IMS) and to the role of the Garda Professional Standards Unit (GPSU), set up in 2006.
55. GRECO takes note of these positive developments, but also notes that much of this information was already included in the Evaluation Report, notably the existence of the PULSE system (i.e. incident record management system) and the Investigation Management System (IMS) and their roles. At this stage it is, however, still too early to consider the recommendation as partly implemented.
56. GRECO concludes that recommendation xi has not been implemented.

Recommendation xii

57. *GRECO recommended that the Code of Ethics for Garda personnel be updated/supplemented so as to cover in detail all relevant integrity matters (such as conflict of interest prevention, gifts, contacts with third parties, secondary activities, confidential information), and be complemented with guidance illustrating all issues and risk areas with concrete examples.*
58. The authorities reiterate that the Code of Ethics and any potential need for amendment has been considered on a number of occasions since it was established by the Policing Authority in December 2016. In 2021, the Policing Authority commissioned a review of the Code and following this, determined that no further changes should be made at that time, in particular having regard to the need to ensure that the existing Code was sufficiently established and embedded in the Garda Síochána prior to any further review or amendment. The Policing Authority also uses other mechanisms to oversee the measures and structures being put in place within An Garda Síochána to combat corruption and promote integrity matters. A key strategic theme of the Policing Authority's Strategy Statement 2022-2024 is Garda Integrity and Human Rights, including the strategic objective to "oversee the range of actions being taken by the Garda Síochána to monitor and support Garda integrity". The delivery of this objective

is achievement through monthly engagements with the Garda Commissioner and Senior Leadership Teams on these matters at Policing Authority meetings, in public and private, monitoring of the Joint Implementation Plan of the Garda Inspectorate Report on combating anti-corruption; and reviewing Garda Síochána policies, procedures and statistics in relation to conduct, discipline and ethics.

59. The authorities also indicate that the Policing, Security, Community Safety Act, which was signed into law by the President on 7 April 2024 and will be commenced later this year, similarly requires the Policing and Community Safety Authority (hereinafter: “PCSA”) to establish a Code of Ethics (under Chapter 7 of this new Act), so continued attention to ethics in policing is safeguarded in statute. It is likely therefore that consideration of the extant Code of Ethics will be considered by the PCSA after it is established. During the short interim period before commencement of the legislation, it is not planned to be re-considered by the PCSA. The new Act also provides for the development of regulations by the Minister for Justice relating to standards of professional behaviour, which *inter alia* shall have regard to the code of ethics for Garda personnel.
60. GRECO takes note of the information provided by the authorities of Ireland. It notes that no concrete progress has been made so far in respect of updating/supplementing the Code of Ethics for An Garda Síochána. However, GRECO notes that promising developments are in the pipeline with the new Policing, Security, Community Safety Act, which could address several shortcomings flagged by GRECO in the Evaluation Report. These include the principle-based nature of the Code which provides no concrete rules or examples drawn from practice, as well as the lack of coverage of key integrity-related matters such as gifts, contacts with third parties, secondary activities, and the handling of confidential information.
61. GRECO therefore concludes that recommendation xii has not been implemented.

Recommendation xiii

62. *GRECO recommended (i) strengthening integrity training based on a comprehensive code of ethics and accompanying practical guidance and; (ii) introducing regular compulsory training on integrity standards for serving Garda personnel.*
63. The authorities report that central to the business activities of the GACU is the promotion of a culture of professional conduct, ethical behaviour and doing the right thing for the right reason. The GACU continues to proactively deliver a Blended Learning Programme and Briefings to Garda personnel promoting professionalism and integrity, the reporting of wrongdoing and awareness of the role the GACU. This Blended Learning Programme is being delivered to Garda personnel including, by way of illustration, new Garda recruits, personnel attending promotion courses, personnel attending specialist training and to Senior Garda Managers. The GACU has also developed and implemented an Anti-Corruption Unit Communications Strategy, which includes a dedicated internal Portal Page. A comprehensive Communications Plan is in place, managed by the GACU Integrity Section to aid training and increase awareness of the Unit and Anti-Corruption

Policies, which have been published thus far. Newsbeat articles (internal communications) are published on an ongoing basis. A dedicated GACU team page is live on the portal, with informational videos in respect of GACU Policies and Anti-Corruption Unit matters.

64. The authorities indicate that, during 2023, a “Learning the Lessons” initiative was developed through the collaborative efforts of an editorial board, comprising representatives from the Garda Ethics and Culture Bureau, Garda Professional Standards Unit, Internal Affairs, and the GACU. This initiative takes the form of the development and issue of a quarterly evidenced-based Learning the Lessons Newsletter to the Garda organisation, which provides a summary of some criminal, discipline and complaints investigations in respect of Garda personnel (Members and Garda Staff). Four editions of a Learning the Lessons Newsletter were published during 2023 addressing the following topics: Inappropriate Use of Garda Systems, Abuse of Authority, Criminal Conduct and the Garda Síochána Acceptance of Gifts, Hospitality and Sponsorship Policy. The aim of this newsletter is to create awareness across the organisation of the consequences of non-adherence to policy or not upholding the standards of the Code of Ethics. The focus is on improving policing practice and enhancing professional conduct and ethical behaviour by all personnel with each edition focusing on a particular theme.
65. The Garda Ethics and Culture Bureau (hereinafter: “GECB”) has worked with the Garda Anti-Corruption Unit Implementation Team in relation to integrity building and was involved in the development of the initial training and communications aspects of this project. Central to the business activities of the GECB is the promotion of a culture of professional conduct, ethical behaviour and doing the right thing for the right reason. The GECB also continues to proactively deliver a Blended Learning Programme involving briefings to Garda personnel promoting ethical behaviour, professionalism and integrity. This Blended Learning Programme is delivered to Garda personnel attending promotion courses, personnel attending specialist training and to Senior Garda Managers.
66. In 2023, the Superintendent GECB delivered presentations to the Higher Executive Officers Development Programme and the Superintendents and Assistant Principals Leadership Development Programme in the Garda College Templemore. The GECB has also developed and implemented a Communications Strategy that includes a dedicated internal Portal Page, which is monitored and regularly updated by GECB staff.
67. GRECO welcomes these developments, notably the new “Learning the Lessons” initiative and also welcomes the continuous promotion of a culture of professional conduct and ethical behaviour to create a real culture shift on integrity within An Garda Síochána. These are positive measures that must be acknowledged up front.
68. While integrity training is compulsory for trainees, nothing is said in this respect regarding serving staff, nor on the frequency, level of detail and attendance rates of training sessions available for serving officers. GRECO deemed this to be critical to ensure a real culture shift on integrity within An Garda Síochána. Moreover, GRECO trusts that the authorities will update/supplement the 2016 Code of Ethics (as per

recommendation xii) and that such a development would inform future training sessions.

69. GRECO therefore concludes that recommendation xiii has been partly implemented.

Recommendation xiv

70. *GRECO recommended that further efforts be made to promote a more balanced representation of genders in all ranks as part of recruitment and internal career moves.*
71. The authorities refer to the Diversity and Inclusion Strategy 2024-2026, to be published in 2024, which is designed to encourage people of all backgrounds, regardless of gender, ethnicity or socio-economic status to choose a career in An Garda Síochána. The latter has also commissioned the development and implementation of a detailed Recruitment and Retention Strategy to best support the resourcing of the organisation in the coming years. The development of the final Recruitment and Retention Strategy is in the early stages with a review being conducted of organisational issues impacting upon and affecting retention, alongside a benchmarking exercise on comparator organisations. Engagement has involved numerous meetings with the staff Associations in order to collaboratively generate ideas and identify tangible actions and solutions to address recruitment and retention challenges, specifically focusing on areas within An Garda Síochána's control.
72. The authorities also report that a policy to guide the roll out of the exit interview process throughout the organisation has been developed and an exit questionnaire has been designed. The exit interviews commenced in Q2 2023 and as of 30 November 2023, 72 exit interviews have been conducted. An analysis of the findings of these interviews will be conducted to extrapolate key themes in respect of reasons for choosing to leave An Garda Síochána. The exit questionnaire will be rolled out once the current consultation process with the Garda Representative Associations has concluded.
73. The authorities also report about the Garda Women in Policing Network, which has gained prominence since its establishment in 2019. The aims of the Network reflect an organisational objective to embrace a culture of equality, diversity and inclusivity, thereby enhancing community confidence in policing. The network is open to all serving women and men in An Garda Síochána, of all backgrounds, including sworn, staff and members of the Garda Reserve.
74. An Garda Síochána has reported on the gender pay gap in 2023 for the second consecutive year. The report details the difference in average gross hourly pay of women when compared to men as a percentage of men's pay. Taking this approach enables organisations such as An Garda Síochána to understand if women are represented evenly across an organisation.
75. An Garda Síochána has also developed a Remote Working Policy, which is due to be published during 2024. This policy aims to support employee engagement, innovation and productivity by providing options for additional flexibility, alongside the suite of

other flexible working options An Garda Síochána currently provides (including *inter alia*: Shorter Working Year, Career Breaks, Work-sharing), and by offering options for reduced commutes, more affordable housing choices and improved well-being for Garda personnel. A Steering Group, convened by the Garda National Wellbeing Office developed the Menopause Guidance document, with full consultation and input from the Health and Wellbeing Stakeholders Forum and the Senior Leadership Team. The guidance document was launched on 21 February 2023, and is for anyone who is experiencing, or who may in the future experience, menopausal symptoms, whatever their gender identity. The document is also intended as a guidance tool for line managers and colleagues of those personnel experiencing menopause. The authorities also indicate that females make up 30% of all serving members in An Garda Síochána, placing it above the European average in terms of female representation within police services. In the most recent Garda Trainee recruitment competition (which closed in February 2024), 31% of the applicants were female. In addition, females account for more than 70% if all Garda Staff and until recently, both of the Deputy Commissioners in An Garda Síochána were female (one has since retired). The most senior civil service position in An Garda Síochána, that of Chief Corporate Officer, is held by a female. Females now make up more than half of the Garda Senior Leadership Team.

76. GRECO notes that efforts to diversify external recruitment in An Garda Síochána, including for candidates of various ethnicities, have already been acknowledged in the Evaluation Report (see paragraph 204). In addition, the fact that two Deputy Commissioners were female (one has retired since), was already noted in the Evaluation Report, where it was also noted that the selection and appointment process was external and therefore outside the usual process for promotion within An Garda Síochána. GRECO welcomes the additional efforts made, notably with the introduction of the Remote Working Policy and the Menopause Guidance Document, which may attract more women to the An Garda Síochána. In order to further address this recommendation, efforts need to be made regarding a more balanced representation of genders in all ranks as part of recruitment and internal career moves.

77. GRECO concludes that recommendation xiv has been partly implemented.

Recommendation xv

78. *GRECO recommended that an institutional system of rotation of Garda members be put in place, which could be applied, as appropriate, in areas identified as particularly exposed to corruption risks.*
79. The authorities report that members of the Garda are not permitted to serve at any station which is within the minimum stipulated distance of any place where: the member of the Garda or his/her spouse/partner has relatives permanently residing; the member's spouse/partner, or other family members or relatives, engages in any business requiring a licence or certificate, the grant of which, by court or otherwise, may be opposed by An Garda Síochána; the stipulated distances apply to new appointments transfers 80 km from the date of attestation up to five years of service/50 km over five years of service.

80. The authorities also explain that An Garda Síochána has the ability, at the discretion of the Commissioner, to appoint anyone to a different role/location. An Garda Síochána's current policy is that members of Garda will be promoted out of specialist areas. In 2024, An Garda Síochána will consider a policy of tenure for certain roles.
81. GRECO takes note of this information provided by the authorities of Ireland. It however does not address the recommendation, which is to introduce an institutional system of rotation of Garda members in areas that are particularly exposed to corruption risks. These areas need to first be identified and then staff in those areas need to be moved to other areas after a certain defined period of time or at regular intervals, as a measure to prevent corruption.
82. GRECO concludes that recommendation xv has not been implemented.

Recommendation xvi

83. *GRECO recommended that authorised secondary activities of Garda members be duly recorded and that regular checks be undertaken thereafter.*
84. The authorities report that there is no specific policy for managing the secondary activities of the Garda workforce and the organisation relies on the statutory duty of disclosure on public servants (Ethics Acts). An Garda Síochána is, however, committed to the development, publication and implementation of a policy and guidelines relating to the holding of business and secondary interests by the Garda workforce.
85. Schedule 15(c), Regulation 5 of the Garda Síochána (Discipline) Regulations 2007, as amended, gives the Commissioner the authority to prohibit members of An Garda Síochána from engaging (whether for reward or otherwise) in any prescribed activity which is prohibited by the Commissioner (by either general or special directive) as being: likely to interfere with the proper discharge of his or her duties, or likely to give rise to reasonable apprehension among members of the public in relation to his or her impartiality in the discharge of those duties; or for good and stated reasons, inappropriate for members to engage in.
86. GRECO takes note of the information, which has already been provided for and taken into account in the Evaluation Report (see paragraphs 224-229). The current system, which allows for secondary activities, provides a detailed list of exceptions for which there is an adequate authorisation system. This system, however, needs to be checked regularly to ensure that the allowed secondary activities and the list of exceptions still correspond and that no conflict of interest has arisen in the meantime. This should be done by keeping a proper record of all authorised activities carried out by Garda members and by providing practical guidance, notably in connection with the code of ethics and easy access to confidential advice on the subject of secondary activities.
87. GRECO therefore concludes that recommendation xvi has not been implemented.

Recommendation xvii

88. *GRECO recommended examining risks of conflict of interest faced by Garda members leaving An Garda Síochána and taking employment or offering services thereafter, and establishing rules as appropriate.*
89. The authorities report that, at present, there is no prohibition on past members of An Garda Síochána taking employment or offering services. All members of Garda and Garda staff are required to sign the Official Secrets Act, on taking up a position in An Garda Síochána. Departing personnel remain bound by the Act, even after they have left the organisation.
90. The authorities explain that presently, Garda staff, who are civil servants, must operate to the Code of Standards and Behaviours (see Section 20). Civil servants below Assistant Secretary level must apply to the Garda Commissioner (or whomever is designated), before retirement or resignation; and civil servants at and above Assistant Secretary level must apply to the Outside Appointments Board where potential conflicts of interest arise. While there is no code of conduct for members of the wider public service, public servants must adhere to the Ethics Acts and to the Code of Practice for the Governance of State Bodies, which was published by the Department of Public Expenditure, National Development Plan Delivery and Reform. Many public bodies and agencies have their own code of conduct or practice that workers must adhere to.
91. Finally, the authorities report that [Section 258](#) of the Policing, Security and Community Safety Act paves the way for the Minister, upon having consulted with the Garda Commissioner, the Police Ombudsman and the Authority, to prescribe the standards of professional behaviour applicable to Garda personnel. In prescribing standards of professional behaviour, the Minister must have regard to: (a) the importance of Garda personnel maintaining proper standards of integrity and conducting themselves in a manner that promotes public confidence in policing; (b) the policing principles; (c) the code of ethics for Garda personnel; and (d) such other matters that s/he she considers appropriate. Work on this policy area will be brought forward in 2024 following engagement with Garda management and relevant legal authorities. This first aspect of the work will include identifying the current potential for conflict of interest and the current legal framework.
92. GRECO welcomes that work has started on standards of professional behaviour applicable to Garda personnel. However, the plans reported are still at a very early stage. It therefore remains to be seen whether they will address post-employment restrictions for Garda members, as required by this recommendation. There are currently no restrictions on AGS members taking up employment, which may bring them into conflict of interest with their former role in An Garda Síochána. In addition, the new Policing, Security and Community Safety Act of 2024 does not seem to address this matter. Thus, GRECO looks forward to receiving information on further developments with respect to this recommendation.
93. GRECO concludes that recommendation xvii has not been implemented.

Recommendation xviii

94. *GRECO recommended that the ongoing reform process regarding the complaints' mechanism be completed with regard to the complaints body's independence and resources and guaranteeing a strengthened role in the complaints process.*
95. The authorities report that the new Policing, Security and Community Safety Act provides for the renaming of the Garda Síochána Ombudsman Commission (GSOC) to "Office of the Police Ombudsman" (Fiosrú - Oifig an Ombudsman Póilíneachta), to reinforce its independence from An Garda Síochána, as recommended by the Commission of the Future of Policing in Ireland (COFPI). The new Act provides that, upon commencement, GSOC will continue its operation, under its new name – with an expanded remit. The new legal framework for the structure and operation of Fiosrú is set out in Part 5 and Part 6 of the new Act.
96. The authorities also report that, to further reinforce its independence, the Office has been given greater financial independence through its own vote (financial budget) and by creating a new Chief Executive Officer (CEO) position to take on the accounting officer function, and to ensure that the Police Ombudsman will be free to focus on investigation and oversight work. These changes follow a review within the Department of Justice having regard to COFPI's recommendation, in light of the proposals for the expansion of GSOC's remit and wholesale reform of its processes, that its structures should be reviewed. This reform ensures that all complaints – other than minor service level complaints – are investigated by the new restructured body itself and that there is greater independent oversight of how allegations of wrongdoing by Garda members that come to light, other than by way of complaints from members of the public, are handled. Part 6 of the new Act streamlines and simplifies the investigations process in two key respects: firstly, it replaces the current dual investigation process with a new single investigation process. Unlike the current process, this new approach allows for the launch of an investigation without having to decide at the outset whether or not that investigation is criminal or non-criminal in nature. Such a single investigation process is standard in other regulatory type bodies. Secondly, the new process dispenses with the need for sequential criminal and non-criminal investigations, which has the effect of prolonging the resolution of complaints for years in some cases.
97. The authorities underline that the streamlining of the investigation process in no way compromises the rights of those involved to fair procedures and natural justice. There is an explicit obligation to ensure those rights are protected. Overall the new approach supports better decision-making and more expedition in the conduct of investigations and greater transparency in the interests of the reformed body, An Garda Síochána, complainants and the wider public.
98. GRECO welcomes the steps reported under the reform that is now concretised by the new Policing, Security and Community Safety Act, which reinforces the independence (including financial) of the complaint's body (now Fiosrú - Office of the Police

Ombudsman) from An Garda Síochána. This provides it with a strengthened role in the complaints process.

99. GRECO concludes that recommendation xviii has been implemented satisfactorily.

III. CONCLUSIONS

100. **In the light of the foregoing, GRECO concludes that Ireland has implemented satisfactorily one of the eighteen recommendations set out in the Fifth Round Evaluation Report.** Of the outstanding seventeen recommendations, four recommendations have been partly implemented and thirteen have not been implemented.
101. More specifically, recommendation xviii has been implemented satisfactorily, recommendations ii, viii, xiii and xiv have been partly implemented and recommendations i, iii, iv, v, vi, vii, ix, x, xi, xii, xv, xvi and xvii have not been implemented.
102. With regard to top executive functions, although only some recommendations have been partly implemented, there are positive developments and changes that may be noted. These mainly concern the legislative proposals to reform the statutory framework for Ethics in Public Life, which are currently under consideration. They will have an impact on many of the recommendations, notably by providing that a draft model Code of Conduct be prepared by the Standards Commission, on the basis of which public bodies will then prepare codes of conduct in respect of their staff. These will cover persons with top executive functions and provide for appropriate sanctions as well as practical guidance. The legislative proposals will also see a reinforcement of the obligation on persons with top executive functions in respect of data on significant assets and liabilities. Other developments include a new Act of 2023 on the Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment), which introduces new sanctions including for existing post-term employment cooling-off provisions. However, these developments are either pending or not yet implemented.
103. With regard to the law enforcement agencies, there is also work in progress. GRECO notes that a review of the Freedom of Information Act of 2014 is being undertaken. There are measures in the pipeline to modernise the Garda Information Technology systems and to improve the monitoring of integrity breaches. The new “Learning the Lessons” initiative is tackling training and the continuous promotion of a culture of professional conduct and ethical behaviour to create a real culture shift on integrity within the An Garda Síochána. GRECO welcomes the efforts made in developing a recruitment and retention policy to encourage people of all backgrounds, regardless of gender, ethnicity or socio-economic status to choose and build a career in An Garda Síochána. These developments are either pending or not yet implemented. However, a concrete step has been taken with the Policing, Security and Community Safety Act, which has been signed into law by the President on 7 February 2024 and is due to be commenced later this year. This new Act reinforces the independence of the Garda Síochána Ombudsman Commission from the An Garda Síochána.

104. In the light of the foregoing, GRECO notes that further progress will need to be made within the next 18 months to achieve an adequate level of compliance with the recommendations. In accordance with Rule 31 revised bis, paragraph 8.2, of its Rules of Procedure, GRECO calls on the head of the delegation of Ireland to submit additional information with regard to the implementation of recommendations i to xii, by 31 December 2025.
105. GRECO invites the authorities of Ireland to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.