



## Ireland

### Country Reports on Human Rights Practices - [2000](#)

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Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, a directly elected president, and an independent judiciary.

The national police (Garda Siochana) are under effective civilian control and have primary responsibility for internal security. Since the police are an unarmed force, the army acts in their support when necessary--the latter under the effective civilian control of the Minister for Defense. Ireland's principal internal security concern has been to prevent the spillover of terrorist violence from Northern Ireland. With the signing of the Good Friday Peace Agreement on April 10, 1998, virtually all parties in Northern Ireland acknowledged the goals of democracy, peace, and reconciliation. All major paramilitary groups, on both sides of the border, have declared permanent cease-fires. Members of the police have committed some human rights abuses.

Ireland has an open, market-based economy that is highly dependent on international trade. Over the last 2 decades it has been a large net recipient of funds from the European Union (EU), and this assistance has helped to address imbalances in the socioeconomic environment. Strong economic growth over the past few years lowered unemployment to 4.4 percent, the lowest in 30 years.

The Government generally respected the human rights of its citizens. Human rights problems arise primarily from: Instances of abuse by the police; prison overcrowding and substandard facilities; the continuation of special arrest and detention authority and the nonjury court; the occasional censorship of films, books, and periodicals; violence and discrimination against women; the abuse of children; and discrimination against asylum seekers and Travellers (an itinerant ethnic community).

As stipulated in the Good Friday Agreement, the Government established a human rights commission in July, which is to cooperate with a parallel commission in Northern Ireland. The human rights commissions are to provide information and promote awareness of human rights, comment on human rights draft legislation referred to them by the legislatures, make recommendations to the governments on the adequacy and effectiveness of laws and practices, and initiate court proceedings or provide assistance to individuals doing so. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland. To this end, the Government at year's end was preparing legislation which would allow for an 'interpretive incorporation' of the European Convention on Human Rights into Irish law.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

During the year, the Garda in the Republic of Ireland and the Royal Ulster Constabulary (RUC) in Northern Ireland cooperated in questioning 87 persons in connection with the August 1998 Omagh bombing that killed 29 people and injured hundreds. To date only one person, Colm Murphy, has been charged in connection with the bombing. Murphy, an Irish citizen charged with conspiracy to cause an explosion, is expected to stand trial

in Dublin in 2001. In October 2000, at the conclusion of the inquests of 28 of the 29 victims, the RUC announced that it knew of 15 suspects responsible for the bombing but lacked evidence sufficient to charge and prosecute them.

In May 1999, the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine persons, termed the "disappeared," abducted and killed by the Irish Republican Army (IRA) in the 1970's.

Pursuant to joint Irish and British legislation granting limited immunity to IRA members involved in these acts, information was given to the Commission by the IRA on the location of the nine bodies. In 1999 the remains of three of the nine victims were recovered and returned to their families. In January 2000 the Commission halted excavations until May, when digging resumed for another 3 weeks following receipt of new information from the IRA. At the end of May, the Commission again suspended the search pending new information from the IRA. Work had not resumed by year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and officials generally did not employ them. However, there were instances of abuse of detainees and prisoners. While the mistreatment of persons in police custody is not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody.

Human rights organizations have called for the establishment of an independent ombudsman or authority to investigate complaints against the police. It would replace the current statutory board, the Garda Síochána (Police) Complaints Board, through which the Garda authorities investigate alleged misconduct by their peers. In 1999 the Board received 1,264 complaints, a decrease from 1,400 complaints in 1998. The complaints included charges of criminal behavior (mistreatment or abuse). After a review process conducted in accordance with the 1986 Garda Síochána (Complaints) Act, 192 cases were referred to the Director of Public Prosecutions, who directed that members of the Garda Síochána be prosecuted in 9 of those cases. None of the 9 cases reportedly resulted in convictions.

The Board also referred 20 of the complaints to an internal disciplinary body in 1999. Of the nine cases dealt with by year's end, five were found to involve wrongdoing. The Board in addition sent 28 complaints directly to the Garda Commissioner for disciplinary action.

In response to a pan-European program, "Police and Human Rights 1997-2000," the Garda Commissioner in late 1999 launched the Garda Síochána Human Rights Initiative for 1999-2000 in order to further develop policing practices that uphold human rights. This initiative focused on the training of officers (from the senior level to incoming students), a review of practices and procedures, and increased coordination and cooperation with NGO's. In addition to this initiative, the Government introduced the recording of questioning of suspects in Garda stations, a practice designed to deter further abuse or mistreatment.

Ireland has a low incarceration rate (80 inmates per 100,000 population), and the prison regime is generally liberal. However, the physical infrastructure of many prisons is inadequate. Following charges that prisons are overcrowded and lack in-cell sanitation facilities such as toilets and running water, many are undergoing renovation. In addition prisons lack sufficient health care facilities and services. Cloverhill remand prison and Mountjoy women's prison (the Dochas Center), both unable to accept inmates at their initial openings in 1999, are now fully operational. These new facilities are designed to accommodate a further 1,200 prisoners and thereby help reduce overcrowding.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have ready access to mechanisms for redress. However, according to the Justice Department, no allegations of mistreatment of prisoners were leveled against the Prison Service during the year, and no similar claims were left outstanding from previous years. However, 44 complaints were made in 1998, the last year for which statistics are available. The authorities continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are the same, if not better, than those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without reservation. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or

Punishment (CPT) visited prisons in 1998. In December 1999, the Government responded to the CPT's report with plans for improving conditions. In May 2000 the Government published a followup report as requested by the CPT.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order release unless it can be shown that the person is being detained in accordance with the law. The 1984 Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours when a police officer of the rank of superintendent or above so directs, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention of 8 hours overnight is possible, to allow a detainee to sleep.

In cases covered by the 1939 Offenses Against the State Act, the initial period of detention without charge is 24 hours on the direction of a police superintendent; detention can be extended another 24 hours by a judge. This act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the state," it is not restricted to subversive offenses. Therefore, the police have broad arrest and detention powers in any case involving firearms. However, under the terms of the Decommissioning Law enacted in 1997 in support of the Northern Ireland peace process, proceedings may not be instituted against persons in relation to any offense that may be committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The 1939 act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State." While this power has not been invoked since the late 1950's, the Government could do so by simply issuing a proclamation.

An amendment to the 1939 Offenses Against the State Act was enacted in the wake of the Omagh bombing in 1998. The amendment allows police to detain suspects in certain crimes, usually involving serious offenses with firearms or explosives, for 48 hours, with a possible 24-hour extension if approved by a judge.

The legislation also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding his whereabouts, associations, or actions, then the accused's silence may be used as corroborative evidence of guilt. The accused person's failure to respond to accusations of membership in an illegal organization also may be used as corroborative evidence of guilt. However, the accused cannot be convicted based solely on his refusal to speak.

Membership in or leadership of an illegal organization carries a possible life sentence under the new amendment (illegal organizations are defined by the 1939 Offenses Against the State Act). The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

The Government established a committee, chaired by a justice of the district court, to investigate allegations that the legislation violates international human right conventions. The legislation, which was set to expire in June, was extended in July for an additional 12 months. The committee was expected to report its findings by the end of the year.

The 1996 Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking. However, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

Following approval in 1996 of a referendum calling for stricter bail laws, legislation was enacted in 1997 that allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is contained in the bill; the offense must be one that carries a penalty of 5 years' imprisonment or more. In May the courts implemented the entire bail act following a delay due to a lack of prison accommodations.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system includes a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, a state official with independent status, prosecutes criminal cases. Jury trial is the norm. The accused generally may choose an attorney. For indigent defendants, the State assumes the cost of counsel under the criminal legal aid scheme.

However, the Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972, under the 1939 Offenses Against the State Act, the government created a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to the spillover of paramilitary violence from Northern Ireland, the use of the SCC was justified over the years to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. The continued need for the SCC is being kept under review by the Government.

During the first 6 months of the year, the SCC indicted 25 persons and held 14 trials, compared with 25 indictments and 18 trials in all of 1999. In addition to "scheduled offenses," the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC if he certifies that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace.

In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are essentially the same as in regular courts, except that the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC are usually public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Under the terms of the Good Friday Agreement, releases continued of those imprisoned for crimes related to the terrorist campaign in Northern Ireland. Prisoners belonging to organizations that have declared permanent cease-fires and who have committed themselves to work through peaceful, democratic means are the only persons qualified for this program. All releases were completed by July.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides individuals with the right to "express freely their convictions and opinions." However, freedom of the press is subject to the constitutional qualification that it not "undermine public order or morality or the authority of the state." The publication or utterance of "blasphemous, seditious, or indecent matter" is prohibited by the Constitution. While the press in practice operates freely, the 1961 Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the 1963 Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) are believed to result in some self-censorship.

Broadcasting remains mostly state controlled, but private sector broadcasting continues to grow. There are 43 independent radio stations and an independent television station. Expanded access to cable and satellite television is lessening considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The 1960 Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is "likely to promote or incite to crime or which would tend to undermine the

authority of the state." It was on this basis that the government banned Sinn Fein (the legal political front of the Irish Republican Army) from the airwaves from 1971 to 1994. Following Sinn Fein's agreement to participate in the Northern Ireland peace process and the declaration of the IRA cease-fire, the Government restored Sinn Fein's access.

The Office of the Film Censor must classify films and videos before they can be shown or sold. Distributors pay fees to finance the censor's office. Under the 1923 Censorship of Films Act, the censor has the authority to cut or ban any film that is "indecent, obscene, or blasphemous" or which tends to "inculcate principles contrary to public morality or subversive of public morality." As of October, no theatrical films were banned during the year, but 125 videos were banned, mainly because of their pornographic or violent content. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals are also subject to censorship. The 1946 Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. As of October, the board had not banned any books or periodicals. In 1999 the board banned the mainstream In Dublin magazine for carrying advertisements for "massage parlors," which were regarded by the board as solicitations for prostitution. The publishers challenged the ban in court, and the board's ruling was overturned on the condition that the magazine take out the advertisements. In 1999 the board did not ban any books, but it banned 8 periodicals, compared with 15 books and 10 periodicals in 1998.

In 1996 Veronica Guerin, a journalist and crime reporter with the Sunday Independent newspaper, was murdered. The murder was seen as an attempt by criminal elements to silence press coverage of their activities. The incident shocked public opinion and led to the adoption of new legislation to combat narcotics-related crime. The courts convicted two men, Paul Ward (November 1998) and Brian Meehan (July 1999), in connection with the murder and sentenced them to life imprisonment. As of October, a third, John Gilligan, extradited from the United Kingdom, was awaiting trial; three other men have been sentenced on lesser charges related to the Guerin case. No incidents of violence against journalists have been reported since Guerin's murder in 1996.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to "assemble peaceably and without arms" and to form associations and unions; however, it also allows the State to "prevent or control meetings" that are calculated to cause a breach of the peace or to be a danger or nuisance to the general public. Under the 1939 Offenses Against the State Act, it is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization. Although the law mandates the prosecution and incarceration of persons for mere membership in a terrorist organization, the Government allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. Even though overwhelmingly Roman Catholic, Ireland has no state religion. However, most primary and secondary schools are denominational, and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction. There is no discrimination against nontraditional religious groups.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and repatriation.

The existing refugee law, enacted in 1996, has been implemented only partially and was under review. The law gives effect to the 1990 Dublin Convention, harmonizing European Union asylum procedures, and it also makes provision for program refugees (those invited by the state to apply for asylum; in 1999 mostly Kosovars). The law also expressly forbids the forced return of persons to a country where they fear persecution.

The Government grants refugee or asylee status in accordance with the provision of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government drew up specific administrative procedures for implementation of the convention in consultation with the UNHCR. In 1992 the Supreme Court ruled that these procedures were binding on the Department of Justice, Equality, and Law Reform.

The large increase in the number of asylum seekers continued to cause problems, severely straining the Government's processing system and societal acceptance (see Section 5). A total of 10,938 asylum seekers entered the country during the year. As of July, over 5,000 new applications were filed. The total number of applications awaiting processing as of December was 6,972; most applicants were from Romania and Nigeria. The Government provided first asylum in 211 cases during the year. An equal or larger number of asylum applications are expected in 2001.

There were no reports of the forced return of persons to a country where they feared persecution. Measures taken to speed the lengthy processing time of applications (currently about 18 months), including recruitment of additional staff, have had little impact because of the increasing number of refugee applications. The Government improved the situation of asylum seekers awaiting review of their applications by allowing those who filed before July 26, 1999, and have been waiting over 12 months, to work in Ireland. The Government established a new Garda (police) National Immigration Bureau to monitor and track nonnationals who are the subject of deportation orders. The new Bureau also plans to: Coordinate activities leading to deportation, operational strategies and resources at ports of entry, and strategies to combat trafficking in illegal immigrants; strengthen international liaison on immigration issues; administer the nonnational registration service; and enforce immigration law generally.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. Several political parties have seats in the bicameral Parliament. Members of the Dail (House of Representatives)--the chamber that carries out the main legislative functions--are popularly elected; in the Seanad (Senate), most members are elected by vocational and university groups, and the others are appointed by the Prime Minister. The President is popularly elected for a 7-year term and is limited to 2 terms. An appointed Council of State serves as an advisory body to the President.

Women are underrepresented in government and politics. Although the President is a woman, only 22 of the 166 deputies in the Dail and 11 of the 60 senators are women. Of the 15 government ministers, 3 are women, as are 3 of the 17 junior ministers. Two women sit on the 26-member High Court; 2 of the 8 Supreme Court judges are women.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status. However, until recently few laws implemented these provisions of the Constitution. The 1998 amended Employment Equality Act went into effect in October 1999. It outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on the basis of the nine grounds listed above.

#### Women

Domestic violence and emotional abuse are common. In response to what it sees as a "hidden" and "severely under reported" issue, the National Steering Committee on Violence Against Women (a multiagency government body) began a public outreach campaign in December 1999. The campaign aims to facilitate victims' reporting of domestic and other types of violence by informing women of the resources available and rallying public support for victims. There are 24 women's shelters, funded in part by the Government.

According to the Dublin Rape Crisis Center, the overall number of reported rapes continued to rise. However, calls to the center registered a slight decrease: 7,243 calls were received between July 1999 and June 2000, compared with 7,500 calls received over the same period in the previous year, probably due to changes in the call system. For the 1999-2000 period, the center estimated that 28 percent of rape and child sexual abuse victims reported the crime to police and that 10 percent of these cases resulted in convictions, with 39 percent of cases still pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police.

A 1990 law criminalizes rape within marriage, and the 1995 Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. Until 2000, as a witness, the victim was afforded no legal representation. The 2000 Sex Offenders Bill provides that "separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience."

Discrimination against women in the workplace is unlawful, but inequalities persist regarding pay and promotions in both the public and the private sectors. Women hold about 43 percent of public sector jobs but are underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The 1974 Anti-Discrimination (Pay) Act, the 1977 Employment Equality Act, and the amended 1998 Employment Equality Act provide for protection and redress against discrimination based on gender and marital status. The Equality Authority monitors the implementation of these acts. According to 1998 statistics, women's earnings have increased more rapidly than men's since 1985, albeit from a lower starting point. The weekly earnings of women in industry still averaged only 65 percent of those of men in 1998.

Women's participation in the work force still is hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the work force, the Government included in its 2000-2006 national development plan in March an equal opportunities childcare program, under which approximately \$275 million (250 million Irish pounds) was allocated to fund measures to improve childcare availability and quality.

The 1994 Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. A 1998 Parental Leave Act allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

#### Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and health care. Under the 1991 Child Care Act, education is free and compulsory for children from 6 to 15 years of age. The act places a statutory duty on government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The 1987 Status of Children Act provided for equal rights for children in all legal proceedings.

The sexual abuse of children continued to receive significant media attention. The Dublin Rape Crisis Center reported that 58 percent of calls to its crisis line involved child sexual abuse, and only 13 percent of the incidents had occurred within 1 year preceding the call. The 1998 Child Trafficking and Pornography Act strengthens and updates measures to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

#### People with Disabilities

The government Commission on the Status of People with Disabilities estimated in 1996 that 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. The 1991 Building Regulations Act established minimum criteria to ensure access for people with disabilities to all public and private buildings constructed or significantly altered after 1992, but enforcement is uneven. A National Disability Authority (NDA) began operations in 1999 with a budget of \$2.7 million (2 million Irish pounds). The NDA is to set disability standards, monitor the implementation of these standards, and engage in research and the formulation of disability policy. The Authority's new strategic plan was awaiting approval by the Government at year's end.

## National/Racial/Ethnic Minorities

Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly analogous to the Roma of continental Europe. The "travelling" community has its own history, culture, and language. The Travellers' emphasis on self-employment and the extended family distinguishes them from the rest of society.

Travellers regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experience difficulties in enrolling their children in school. Sometimes they are segregated into all-Traveller classes. According to 1998 government statistics, of 4,978 Traveller families, approximately 1,191 live on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers are dependent on social welfare for survival and are unable to participate in the mainstream economy because of discrimination and a lack of education.

The 1998 Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee is overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller difficulties in these areas.

A 1998 law, entitled the Housing (Traveller Accommodation) Act--recommended by the 1995 task force--obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. In the event of a failure to agree on a draft plan, county and city managers are responsible for their adoption and implementation. According to traveller groups, the act was implemented with mixed results during its first 2 years.

The growing immigration of foreign workers has been accompanied by societal discrimination and racial violence against the newcomers. These developments have sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. Although asylum seekers have the right to work if their cases remain pending for over a year, 4 in 10 claimed to have experienced racism and discrimination from recruiters and employers while looking for work, according to a study commissioned by the Irish Refugee Council. Racially motivated incidents occurred frequently, involving physical violence, intimidation, and verbal slurs. A British citizen visiting Dublin was stabbed and seriously wounded in June while defending his black wife and son from attack. A Dublin bus driver was convicted and fined under the Prohibition of Incitement to Hatred Act in September as a result of a verbal exchange, which included racist slurs, with a black passenger. Groups of young people reportedly targeted white foreigners as well for verbal harassment and violent attacks. Government officials spoke out against racism and xenophobia, and in July racism was one of two major topics addressed at a government-sponsored NGO forum on human rights. In addition the Government initiated a public outreach campaign welcoming immigrants.

## Section 6 Worker Rights

### a. The Right of Association

The right to join a union is provided for by law, as is the right to refrain from joining. About 48 percent of workers in the private and public sectors are members of unions. Police and military personnel are prohibited from striking, but they may form associations to represent themselves in matters of pay, working conditions, and general welfare. The right to strike is freely exercised in both the public and private sectors. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment. A number of strikes occurred during the year, including a nurses' strike, a bus drivers' strike, a train engineers' strike over wages, and a hauliers' (truck drivers) "go-slow" over fuel prices. All concluded peacefully, with the unions involved achieving some, if not all, of their goals.

The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the Government and political parties.

Unions may freely form or join federations or confederations and affiliate with international bodies.

### b. The Right to Organize and Bargain Collectively

Labor unions have full freedom to organize and to engage in collective bargaining. The 1974 Anti-Discrimination (Pay) Act and the 1977 Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination. If the Authority is unable to effect resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The 1977 Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in April.

The 1990 Industrial Relations Act established the Labor Relations Commission, which provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The export processing zone at Shannon Airport has the same labor laws as the rest of the country.

#### c. Prohibition of Forced or Compulsory Labor

Forced and bonded labor, including that performed by children, is prohibited by law and does not occur.

#### d. Status of Child Labor Practices and Minimum Age for Employment

By law children are required to attend school through the age of 15. Under the terms of the 1997 Protection of Young Persons Act, employers may not employ those under the age of 16 in a regular full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The act incorporates international rules on the protection of young workers drawn up by the International Labor Organization (ILO) and the European Union; it sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement is reportedly lax, but violations appear to be rare. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

#### e. Acceptable Conditions of Work

A new national minimum wage, \$4.84 (4.40 Irish pounds) per hour, went into effect on April 1. This wage alone would not provide a decent standard of living for a worker and family. Low-income families continue to be entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. The Department of Enterprise, Trade, and Employment is responsible for enforcing four basic laws dealing with occupational safety that provide adequate and comprehensive coverage. No significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide that employees who find themselves in situations that present a "serious, imminent and unavoidable risk" may leave without the employer being able to take disciplinary action.

#### f. Trafficking in Persons

Recent legislation criminalizes trafficking in persons, which so far is limited and infrequent. The 1998 Child Trafficking and Pornography Act, criminalized trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill passed in October was upheld as constitutional but has not yet been implemented. It will criminalize the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing the trafficking in women for sexual criminal activities. According to an NGO, trafficking in women does not receive much attention from organizations or the Government.

[End.]