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1999 Country Reports on Human Rights Practices

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IRELAND

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 the effective civilian control of the Minister of Justice 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 of Defense. Ireland's principal internal security concern has been to prevent the spillover of terrorist violence from Northern Ireland. With the signing of the Belfast Peace Agreement on April 14, 1998, virtually all parties in Northern Ireland acknowledged the goals of democracy, peace, and reconciliation. All paramilitary groups, on both sides of the border, have declared permanent cease-fires, with the exception of the Continuity Irish Republican Army. There have been allegations that members of the police committed some human rights abuses.

Ireland has an open, market-based economy that is highly dependent on international trade. It is a large net recipient of funds from the European Union (EU) designed to address imbalances in economic activity. Strong economic growth over the past few years lowered unemployment to 6.5 percent, the lowest in 30 years. The proportion of the population in "consistent poverty" declined from 15 percent in 1994 to 10 percent in 1997, according to a local research organization.

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 Belfast Peace Agreement, the Government published draft legislation in July to establish an independent human rights commission in 2000, which is to cooperate with a parallel commission already created 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.

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 authorities pursued the investigation of the August 1998 car-bombing in Omagh, Northern Ireland, that killed 29 people and injured 200. The Garda in the Republic of Ireland and the Royal Ulster Constabulary (RUC) in Northern Ireland cooperated to make 16 arrests of whom 15 were later released without charge. In February Colm Murphy was arrested by the Garda and arraigned at the Special Criminal Court under the auspices of the Offenses Against the State Act (see Section 1.d. and 1.e.). Murphy was charged with conspiracy to cause an explosion and membership in an illegal organization and at year's end was out on bail awaiting trial.

In May 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 people, 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. On May 28, the remains of Eamon Molloy were recovered in a County Louth graveyard and on June 29, the remains of Brian McKinney and John McClory were found in County Monaghan. After formal identification by the authorities, all three bodies were returned to their families. Efforts to find the other six persons who disappeared were unsuccessful, and further recovery operations by the Commission were suspended pending fresh information from the IRA.

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.

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. The authorities have not yet taken action in the case of two persons held in connection with the murder of a police officer in 1996. The pair alleged that they were severely beaten while

in police custody and appeared in court with physical injuries consistent with their allegations (see Section 4).

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 Siochana (Police) Complaints Board, through which the Garda authorities investigate alleged misconduct by their peers. In 1998 the Board received 1,400 complaints, an increase from 1,291 complaints in 1997, including charges of criminal behavior (mistreatment or abuse). Through a review process conducted in accordance with the 1986 Garda Siochana (Complaints) Act, the Director of Public Prosecutions directed that members of the Garda Siochana should be prosecuted in nine of these complaints.

Ireland has a low incarceration rate (77 inmates per 100,000 population), and the prison regime is generally liberal. However, the physical infrastructure of many prisons is barely adequate: A number of facilities suffer from chronic overcrowding, requiring doubling-up in many single-person cells. Many of the existing prisons are very old, and many cells do not have toilets or running water. There are no adequate hospitals on prison grounds; mental health services for prisoners also are inadequate. Although the new Cloverhill remand Prison opened in June and the new Mountjoy Women's Prison opened in September, by year's end both facilities still were unable to accept inmates because of construction defects. 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 the courts 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. The Government 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. The CPT's report was under consideration by the Cabinet, along with the Government's response.

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. Another extension 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. 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 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 new legislation 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 corroboration of guilt. The accused person's failure to defend against accusations of membership in an illicit organization also may be used as corroboration of guilt. However, the accused cannot be convicted based solely on his refusal to speak.

Membership in or leadership of an illicit organization carries a possible life sentence under the new amendment (illegal organizations are defined by the 1939 Offenses Act). The word of a police superintendent can be used as corroboration of membership. Collecting information to aid in a serious offense carries a penalty of up to 10 years' imprisonment or a fine. 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 and a fine. Certain provisions of the 1998 amendment to the Offenses Against the State Act are to expire in June 2000 without specific parliamentary reauthorization. In May a special independent committee was formed to review the collective Offenses Against the State Act legislation for any conflict with certain principles, including legal or human rights principles. The committee is scheduled to report its recommendations to the Government in the first half of 2000.

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. However, as of October, the Justice Minister had not yet signed a statutory order that would allow the courts to implement the law's provisions. The lack of accommodations for prisoners was cited as the reason for the delay.

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 on the advice of 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.

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 set up 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 SCC was justified over the years as addressing 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 1998 the SCC indicted 37 persons and held 21 trials, compared with 26 indictments and 14 trials in 1997. In addition to "scheduled offenses," the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC if he believes that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order and so certifies in writing.

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 the judge may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Under the terms of the Belfast Agreement, releases continue 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 ones qualified for this program. All releases are expected to be completed by May 2000.

There were no reports of political prisoners.

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

The Supreme Court affirmed that, although not specifically provided for in the Constitution, the inviolability of personal privacy, family, and home must be respected in law and practice. This ruling is fully honored by the government.

In 1996 the High Court upheld a referendum that removed the ban on divorce. The government enacted implementing legislation allowing courts to grant divorces under certain circumstances.

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 qualification that it not "undermine public order or morality or the authority of the state." Publication or utterance of "blasphemous, seditious, or indecent matter" is prohibited. 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 is growing. There are 21 independent radio stations and an independent television station. However, expanded access to cable and satellite television is lessening dramatically 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.

Films and videos must be screened and classified by the Office of the Film Censor 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 162 videos were banned, mainly because of their pornographic 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 a member of 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 but had banned eight periodicals including the popular mainstream *In Dublin* magazine, not for editorial content but for advertisements for "massage parlors," which were regarded by the board as solicitations for prostitution. The action caused considerable controversy and widespread debate. The ban is currently under challenge in the courts. In 1998 the board banned 15 books and 10 periodicals, compared with 10 books and 89 periodicals in 1997, and 63 books and 43 periodicals in 1996.

On July 29, Brian Meehan, an "enforcer" for a drug-smuggling gang was sentenced to life imprisonment for the murder of Veronica Guerin in 1996. Guerin was a journalist who reported on narcotics and organized crime issues and whose 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. Paul Ward was also convicted in connection with the case in November 1998; John Gilligan is awaiting extradition from the United Kingdom on the same charge; three other men have been sentenced on lesser charges related to the Guerin case.

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 government prosecutes and incarcerates persons for mere membership in a terrorist organization, it 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 their boards of management are partially controlled by the Catholic Church. 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 government enacted a new refugee law in 1996, but it has been implemented only partially and is currently under review. The law put into effect 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 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 Minister of Justice. However, as the number of asylum seekers increased (from only 31 in 1990 to 4,446 as of October 1999), these administrative procedures proved inadequate. In particular there are complaints of long delays and a lack of transparency in decisions concerning refugee status. Over 7,000 asylum cases await government action. In 1998 the Department of Justice upgraded its asylum division by increasing its staff and moving it into a larger building with more services for asylum seekers. In October the Government announced that it would join the EURODAC Convention with other EU member states. The EURODAC Convention limits an asylum seeker to filing one application throughout the EU, rather than filing multiple applications in different countries and requires the fingerprinting of asylum seekers, a step already taken unilaterally by the authorities.

The Government provided first asylum in 400 cases by October. There were no reports of the forced return of persons to a country where they feared persecution. The increase in the number of asylum seekers, as well as allegations of racism in dealing with them and the issue of whether they should be allowed to work, continued to fuel public debate on immigration (see Section 5).

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

The Constitutional requirement that parliamentary elections be held at least every 7 years always has been met. Suffrage is universal for citizens over the age of 18, and balloting is secret. 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 21 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 2 of the 17 junior ministers. Three women sit on the 20-member High Court; only 1 of the 8 Supreme Court judges is a woman.

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. However, allegations of mistreatment made by two suspects held in connection with the murder of a police officer

in 1996 were the source of concern on the part of the Irish Council for Civil Liberties (ICCL), the principal domestic human rights group. The ICCL indicated in a report issued jointly with British-Irish Rights Watch in 1997 that its efforts to investigate these allegations did not receive the cooperation of the police. The ICCL report said that "this incident raises serious questions about the attitude of the Garda (police) authorities toward bona fide human rights organizations investigating allegations of human rights abuses in the Republic of Ireland." The ICCL report requested that the Government set up a "fully independent inquiry, headed by a judge and with high court powers to summon and question witnesses, to investigate the treatment of persons arrested in Limerick following Garda McCabe's murder." The ICCL reported no further progress or action by the authorities on this case in 1999 and recommended that all future police interrogations or interviews be videotaped to avoid similar incidents.

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

The Constitution, as amended, 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. In 1998 an amended Employment Equality Act was passed that 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.

Women

A 1997 government task force on violence against women concluded that the problem, in particular domestic violence, is widespread and that many women believe that existing services are incapable of responding to their needs. The task force found that many women believe that the legal system minimizes the seriousness of crimes committed against them, fails to dispense justice, and makes them feel at fault for what happened. The task force cited a need to compile more accurate and comprehensive statistics on the nature and extent of the problem and issued a series of recommendations that are under government review.

According to the Dublin Rape Crisis Center, the level of reported rapes continues to rise. The Center received 7,500 calls between July 1998 and June 1999 (a 5 percent increase over the same period in the previous year) and concluded that there was disquieting evidence that rape and sexual assaults--by their very number and frequency--were dulling the response of the public at large. For the 1998-99 period, the Center estimated that 28 percent of rape and child sexual abuse victims reported the crime to police and that 7 percent of these cases resulted in convictions, with 68 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 act criminalized rape within marriage and provided for free legal advice to the victim. There are 23 women's shelters in the country, funded in part by the government.

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 government report, issued in October, 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, which officially replaced the Employment Equality Agency in October, monitors their implementation. 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.

In May a report by the Combat Poverty Agency, based on data from a 1994 national household survey, found that the number of women below the poverty line (defined as 50 percent of the median household income) increased both for single women and single mothers between 1987 and 1994.

Working women often are hampered by the lack of adequate childcare facilities. The 1994 Maternity Protection Act provides a woman 14 weeks of paid maternity leave and the right to return to her job. In 1998 a new Parental Leave Act entered into effect, which 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 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 55 percent of contacts with its crisis line involved adults disclosing child sexual abuse during their youth. The Child Trafficking and Pornography Act, which was passed in 1998, 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.

In May Prime Minister (Taoiseach) Bertie Ahern made a public apology on behalf of the Government and citizens to the victims of child abuse for a "collective failure to intervene, to detect their pain and to come to their rescue." The Government also announced the creation of a special commission to investigate the subject and a \$5.4 million (4 million Irish pounds) fund to provide professional counseling for victims.

People with Disabilities

The government Commission on the Status of People with Disabilities issued a report in 1996, following a 3-year study, with 402 recommendations. The Commission estimated 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 November 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.

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 year.

The increasing numbers of asylum seekers, some of whom were migrating for economic reasons, and the influx of Kosovar refugees continued to spark public debate over how open society is to new immigrants and triggered isolated racist incidents. A 1997 EU poll found that 55 percent of Irish citizens considered themselves racist.

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. In October 27,500 unionized nurses held the largest strike in the country's history in a dispute with the Government over pay and promotion schemes. At one point during the 9-day industrial action, 10,000 nurses marched on the Dail (Parliament) to voice their grievances. In early November, the strike was resolved with the nurses' approval of a \$170 million (125 million Irish pound) settlement package awarding monetary allowances to certain nurses and creating new senior nursing staff positions. In 1998 the number of workdays lost by strikes decreased significantly from 1997, although the number of industrial disputes increased marginally.

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 Employment Equality Agency, now the Equality Authority, responsible for oversight 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. In November official negotiations began on a successor to the 3-year "Partnership 2000" agreement negotiated among the social partners in 1996, which is scheduled to expire in the first half of 2000.

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 gives effect to international rules on the protection of young workers drawn up by the International Labor Organization and the EU; 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 their workers who are under 18 years of age. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

There is no general minimum wage law. A 1997 government- commissioned study recommended that a national minimum wage be established at a rate of approximately \$6.00 (4.40 Irish pounds), which at the time equaled two-thirds of the median industrial wage. The minimum wage is to be adopted in April 2000. However, the Government has not yet indicated how this wage is to be calculated, and controversy has arisen between employers and unions over the issue. Currently several minimum rates of pay apply to specific industrial sectors, mainly those with lower-than-average wages. Although the lowest of these minimum wages is not sufficient to provide a decent standard of living for a family of four, low-income families are entitled to additional 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. Recent 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

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

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