

[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

Ireland

Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 8, 2006

The Republic of Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister, a bicameral parliament, and a directly elected president. The country's population was approximately four million. Free and fair parliamentary elections were held in 2002. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported:

- abuse and mistreatment of children
- incidents of violence and discrimination against immigrants, racial minorities, and Travellers (an indigenous migrant community)
- domestic violence

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits such practices, there were reports of abuse by police officers.

In 2004 the Police Complaints Board recorded 1,232 complaints, including abuse of authority, discourtesy, neglect, and discreditable conduct of police officers, compared with 1,175 such complaints recorded in 2003. Of these complaints, 31 cases were adjudicated as minor breaches of discipline and referred to the commissioner, and 27 were deemed breaches of discipline and referred to a tribunal.

In several communities there were allegations of incidents of violence against racial minorities and immigrants (see section 5).

Prison and Detention Center Conditions

While prison conditions generally met international standards, work and sanitation conditions remained poor in some prisons.

Human rights groups continued to condemn the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities, because of understaffing and poor infrastructure.

In most cases the government permits prison visits by domestic and international human rights observers but requires prior appointments for such visits. There were no visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

Role of the Police and Security Apparatus

The national police have primary responsibility for internal security but are generally an unarmed force; therefore, the army, under the effective civilian control of the minister for defense, may act in support of the police when necessary. There were no known problems of police corruption or impunity. The government continued to monitor closely indigenous paramilitary groups active in the country and in Northern Ireland.

Arrest and Detention

A person may be arrested without a warrant only when the police, with reasonable cause, suspect that an offense has been committed and that the person is guilty of that offense. Suspects brought to the police station must be promptly informed of the charges against them. The law requires that a detainee must be brought before a district court judge as soon as possible to determine bail status until a hearing; the judge decides whether to release the detainee on bail or continue detention until an appointed court date.

The law allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense"--crimes involving firearms, explosives, or membership in an unlawful organization. As a result the police have broad arrest and detention powers in any case involving firearms. In these cases the initial period of detention without charge is 24 hours at the direction of a police superintendent, which a judge may extend for another 24 hours.

The law 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.

Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one; for indigent detainees the government will provide an attorney through the free legal aid program.

There is a functioning bail system, but the law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of five years' imprisonment or more) when it is considered reasonably necessary to prevent the commission of another serious offense.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial system consists of district courts, circuit courts, 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.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The director of public prosecutions (DPP), an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense. Defendants enjoy a presumption of innocence and have the right to present evidence, to question witnesses, and to appeal.

The law 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." A non-jury "Special Criminal Court" (SCC) tries "scheduled offenses," and any case the DPP certifies that an ordinary court cannot adequately handle. The SCC always sits as a three-judge panel, and its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts, but the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as *prima facie* evidence. SCC sessions generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech, and the government generally respected this right in practice.

The law provides for freedom of the press with the qualification that it not "undermine public order or morality or the authority of the state." The constitution prohibits the publication or utterance of "blasphemous, seditious, or indecent matter."

The independent print media were active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private sector broadcasting continued to grow. There were 54 independent radio stations and an independent television station. Access to cable and satellite television lessened the relative influence of state-controlled broadcasting.

The law that empowers the government to prohibit the state-owned radio and television network from broadcasting any matter "likely to promote or incite to crime or which would tend to undermine the authority of the State" was not employed during the year.

The Publication Board did not exercise its authority to censor any books or magazines during the year.

The Office of the Film Censor must classify films and videos before they can be shown or sold and 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." During the year the film censor did not ban any films but did ban one video, primarily because of its pornographic and violent content.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides generally provides for freedom of assembly, and the government respected this right in practice. The law allows the state to "prevent or control meetings" that are calculated to breach the peace or to be a danger or nuisance to the general public. The government did not employ this authority during the year.

In April seven Dublin police officers accused of using their batons excessively during a Dublin 2002 May Day demonstration were acquitted. During the year police generally restrained their conduct during demonstrations.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. Although approximately 88 percent of the population is Roman Catholic, there is no official state religion.

The government permits but does not require religious instruction in public schools, and parents may exempt their children from such instruction.

Societal Abuses and Discrimination

During the year there were a series of anti-Semitic attacks. These included repeatedly vandalizing and painting swastikas on synagogues and a Jewish museum. The National Consultative Committee on Racism and Interculturalism, an advisory board to the government, joined with the Jewish Community Watch and the police to monitor the anti-Semitic targeting of property associated with the Jewish community. Government officials publicly condemned the attacks, and in September a judge sentenced a man to 20 months in jail for spray-painting swastikas on 3 Dublin synagogues. A 2002 census estimated that there were 1,790 members of the Jewish community.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. The government also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to approximately 75 persons in 2004. In June the government approved an increase of the refugee resettlement quota from approximately 40 persons to 200 persons per year. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Parliamentary elections, considered free and fair, were held in May 2002, and the president was inaugurated for a second seven-year term in November 2004.

There were 23 women in the 166-seat house of representatives and 10 women in the 60-seat senate. The president is a woman, and 3 of the 15 government ministers were women. Three women sat on the 34-member High Court, and 3 of the 8 supreme court judges were female.

There were no members of minorities in the house of representatives, the senate, the government, or the cabinet.

Government Corruption and Transparency

There were isolated reports of government corruption during the year. For example, an independent investigation of December 2004 allegations of corruption involving a Ministry of Environment, Heritage and Local Government appointment determined that the minister had not behaved improperly.

The law provides for public access to government information and obligates statutory agencies to publish information on their activities and make it available to citizens and noncitizens upon request. The government did not charge prohibitive fees for information requests and provided mechanisms to appeal denials.

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

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination in relation to employment on the basis of eight distinct discriminatory grounds: gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. However, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

Women

Domestic violence, including spousal abuse, was a problem. In July the National Crime Council along with the Economic and Social Research Institute reported that 15 percent of women experienced domestic abuse by a partner, including spousal abuse and that 213 thousand women were affected by domestic violence at some point in their lives; 29 percent of these women reported abuse to police while only 7 percent contacted a help line.

The law prohibits domestic violence, authorizes prosecution of a violent family member, and provides victims two types of protection: safety orders and barring orders. Safety orders prohibit a person from engaging in violent actions or threats but do not require the individual to leave the home, while barring orders prohibit a person from entering the family home for up to three years. The law allows claimants to apply for interim protection while cases are processed in court. Violations of these orders are punishable by a fine of \$2,280 (1,900 euros) or 12 years' imprisonment. According to official statistics, in 2004 the courts received 2,611 safety order applications and 3,210 barring applications; in both categories, more than a third of the applications were granted and nearly two-thirds were withdrawn. Of those safety and barring orders granted, more than half were related to the spouse of the applicant.

The government provides for victims of domestic abuse by funding support centers throughout the country.

The law criminalizes rape, including within marriage, and provides for free legal advice to victims of serious sexual assault. The Court Services' *Annual Report* documented a total of 72 rape cases tried in 2004, with most sentences for the 27 persons convicted of rape and other sexual offenses ranging between 5 years and life in prison. At the end of 2004, 89 rape cases were pending.

In rape cases the government brings the case against the accused, with the victim acting as a witness. The law provides for separate legal representation for victims in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the victim about his or her past sexual experience.

In 2004 the Dublin Rape Crisis Center reported receiving 10,944 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, sexual harassment), a downward trend in frequency of calls. The center reported that 143 of the 374 rape victims recorded in 2004 reported their attacks to the police, resulting in 13 defendants tried and 9 convicted.

Rape crisis centers, funded in part by the government, provided support by immediate telephone contact and one-on-one counseling. Government programs provided long- and short-term housing options for victims of sexual violence. All police received training on the investigation of cases of domestic violence, rape, and sexual assault.

Although prostitution is not a crime, it is illegal for a person in a street or public place to solicit or importune another person or other persons for the purposes of prostitution. The offense applies equally to a prostitute soliciting a client, a client soliciting a prostitute, or a third party soliciting one on behalf of the other. The same offense and penalties apply to prostitutes, clients, or anyone who solicits in a public place. It is also an offense to solicit or importune another person in order to commit certain sexual offenses, such as sexual offenses with underage persons or to keep or to manage a brothel. Reports of and arrests for prostitution were rare.

There was anecdotal evidence that women were trafficked for sexual exploitation (see section 5, Trafficking).

The law obliges all employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Equality Authority investigates claims of unfair dismissal and may require an employer charged with unfair dismissal to reinstate the employee or pay the employee up to 104 weeks' pay. In the few reported cases of sexual harassment, the government effectively enforced the law.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Nonetheless, inequalities persisted regarding pay and promotions in both the public and the private sectors. Women constituted 42 percent of the labor force but were underrepresented in senior management positions.

Children

The government was strongly committed to children's rights and welfare; it amply funded systems of public education and health care. Education is free and compulsory for children from age 6 to 15. The Department of Education reported that approximately 99 percent of children between the ages of 5 and 16 attended school. Most children completed secondary education.

The government makes available to all children a range of health services, including free immunizations and vaccinations and free prescribed drugs and medications. The government covers all health services for residents below a certain income level.

The law establishes strict guidelines for organizations providing services to children to identify and report cases of physical and sexual child abuse. Numerous nongovernmental organizations (NGOs) offered support for victims as well as resources for parents and professionals who work with children.

In 2004 the Dublin Rape Crisis Center reported that 37 percent of calls to its crisis line involved child sexual abuse. Similarly, the 15 member centers of Rape Crisis Network Ireland provided face-to-face support to 2,289 individuals, 54 percent of whom were children. The law requires 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 if there is an immediate and serious risk to their health or welfare. In July the president signed into law the Commission to Inquire into Child Abuse (Amendment) Act, which streamlines the investigations of sexual and physical abuse in institutions.

The law prohibits the trafficking and sexual exploitation of children; however, there were reports that such practices occurred (see section 5, Trafficking).

An ombudsman for children investigates complaints from children or persons acting on their behalf against various governmental and nongovernmental bodies and has a role in promoting general child welfare.

Trafficking in Persons

The law prohibits trafficking in persons, but there were reports that persons were trafficked to the country while NGOs and others offered anecdotal reports of trafficking from and within the country.

The law criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The law also criminalizes trafficking in illegal immigrants and asylum seekers. No specific legislation addresses trafficking in women for sexual activities; however, laws prohibit the exploitation of prostitutes by means of coercion or fraud. The Police National Immigration Bureau (GNIB) and the Department of Justice are responsible for combating trafficking.

In July the Dublin District Court began the trial of a man charged with trafficking a Mauritius national into the country. The trial remained

pending at year's end.

The country might be a destination country on a limited scale for trafficking in women and children. The country may also be a transit point for persons trafficked to or from Northern Ireland. There is anecdotal information that some women were trafficked within the country. Socially disadvantaged non-national women and children were most likely to be trafficking victims.

NGOs reported that women were smuggled or trafficked into the country, primarily for sexual exploitation, and that men may be smuggled or trafficked into the country for work in the construction industry or agricultural sector. There were no reliable statistics on the number of possible victims of trafficking in the country, but the most credible NGOs reported there were fewer than 15 victims. NGOs also reported that traffickers targeted younger women who were more vulnerable, had little language skill, and no legal status or recourse and placed them in apartments, where activities were easier to hide. NGOs reported that traffickers used the Internet to advertise and solicit victims.

The government trained law enforcement officials on extending protection assistance to potential victims of trafficking. The government funded NGO support for "Return and Reintegration," an initiative to reunite families divided by migration, including by forms of trafficking. Informally, police referred suspected victims of trafficking to NGOs, which provided them with social benefits and access to social and legal counsel.

The ministries of justice and foreign affairs and the GNIB were involved in antitrafficking efforts, and there was coordination between government officials, NGOs, and other elements of civil society on trafficking issues.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and effectively enforced these provisions. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy.

National/Racial/Ethnic Minorities

Societal discrimination and racial violence against immigrants and ethnic minorities, such as Asians, East Europeans, and Africans continued to be a problem. Racially motivated incidents involved physical violence, intimidation, graffiti, and verbal slurs; the majority of incidents of racist violence took place in public places.

In July the courts sentenced a man to nine months in jail for a racist attack on a Russian national. Also in July the Central Criminal Court sentenced a British man to five years in jail for manslaughter in a racist attack on a Vietnamese national.

Other incidents included reports of an attack on a Polish man for trying to talk to a local girl, a man setting his dog on an Irish Muslim woman, a verbal assault on a Spanish credit union worker, school children attacking a fellow student from Somalia, and an Indian national attacked for wearing a turban.

There were 81 racially motivated incidents reported from January through June. The Police Racial and Intercultural Office trained police on interacting with those of different racial and ethnic backgrounds. In January the government launched the National Action Plan against Racism to combat racism and discrimination and promote an intercultural society.

Indigenous People

Approximately 25 thousand indigenous nomadic persons regard themselves as a distinct ethnic group called "Travellers," with its own history, culture, and language. Travellers faced societal discrimination and regularly were denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them.

Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Traveller students are not separated in classrooms. Of the estimated 5 thousand Traveller families, approximately 1,200 lived on roadsides or on temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

While the law prohibits discriminating against Travellers, the UN Committee on the Elimination of Racial Discrimination (CERD) reported that Travellers suffered from extensive exclusion, deprivation, and discrimination, and that government expenditures of more than \$120 million (euros 100 million) annually for Traveller-specific programs had not produced satisfactory outcomes. Pavee Point, a Traveller community NGO, issued a Shadow Report agreeing with the CERD findings.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join unions of their choice, and workers exercised this right in practice. Approximately 33 percent of workers in the private sector were union members, compared with 95 percent in the public sector. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Labor unions have the right to engage in collective bargaining, and unions exercised this right in practice. The law provides for the right to strike, and this right was exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. There are no special laws or exemptions from regular labor laws in the export processing zone at Shannon Airport.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were anecdotal reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The government implemented laws and policies to protect children from exploitation in the workplace. Under the law, employers may not employ children 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 law 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. The Office of the Labor Inspectorate at the Department of Enterprise, Trade and Employment is responsible for enforcement.

There were isolated reports of possible trafficking of children (see section 5).

e. Acceptable Conditions of Work

The national minimum wage was \$9.24(7.65 euros) per hour, which did not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing, medical coverage, and children's allowances. The law was effectively enforced by the Department of Enterprise, Trade and Employment.

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 per year. The government effectively enforced work hour standards. Although there is no statutory entitlement, premium pay for overtime can be arranged between employer and employee.

The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent and unavoidable risk" without jeopardy to their continued employment.

[Updates](#) | [Frequent Questions](#) | [Contact Us](#) | [Email this Page](#) | [Subject Index](#) | [Search](#)

The Office of Electronic Information, Bureau of Public Affairs, manages this site as a portal for information from the U.S.

State Department. External links to other Internet sites should not be construed as an endorsement of the views or privacy policies contained therein.

[FOIA](#) | [Privacy Notice](#) | [Copyright Information](#) | [Other U.S. Government Information](#)

