



2008 Human Rights Report: Ireland

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Ireland, population approximately 4.1 million, is a multiparty parliamentary democracy with an executive branch headed by a prime minister (taoiseach), a bicameral parliament (Oireachtas), and a directly elected head of state, the president. Free and fair parliamentary elections took place in May 2007. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. The law and judiciary provided effective means of addressing individual instances of abuse. During the year, there were some reports of police abuse of authority and inadequate care for prisoners with mental disabilities. Domestic violence; mistreatment of children; trafficking in persons; and discrimination against racial minorities, immigrants, and Travellers were problems.

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 October 2007 the Council of Europe's Committee for the Prevention of Torture (CPT) released a report of its 2006 visit to the country. While the majority of prisoners interviewed by the CPT delegation had no complaints over their treatment, a considerable number alleged verbal or physical mistreatment by the Garda Síochána (police). The alleged mistreatment consisted mostly of kicks, punches, and blows with batons over various parts of the body at the time of arrest or during transport to a Garda station and, in some cases, while they were in custody in such stations. In a number of cases, the delegation's doctors found that the persons concerned displayed injuries and scars that were consistent with their allegations of mistreatment.

Between May 9 and November 30, the Garda Síochána Ombudsman Commission (GSOC) received 4,560 complaints against members of the Garda. Of these, 1,740 were held to be inadmissible, 2,468 admissible, and the remaining 352 were pending. Of the admissible complaints, 170 were judged suitable for informal resolution or mediation,

1,064 warranted investigation by the Garda Siochana, either supervised or unsupervised by the GSOC, and 1,220 warranted investigation by GSOC investigators, since the allegations would, if proven, amount to criminal offenses. The GSOC forwarded 32 files to the director of public prosecutions for his consideration, and there was one conviction. Garda Siochana officers have been subject to disciplinary action in a further 25 cases.

The Morris Tribunal, which since 2002 has investigated reports of police corruption and abusive behavior in County Donegal in the 1990s, issued its final report on September 25. It concluded that some named Gardai had set up bogus arms finds; planted evidence; had been negligent in investigating the death of cattle dealer Richie Barron, whose body was found on a roadside twelve years ago; had illegally detained and mistreated several suspects; and had allowed a sergeant to run a campaign of harassment against a pub owner and his family.

There were 40 complaints against police officers that were related to racially motivated incidents in 2006. (Police recorded a total of 174 racially motivated incidents in that year.)

Prison and Detention Center Conditions

While prison conditions generally met international standards, there were some problems. Some mentally ill prisoners were inappropriately held in prisons rather than in mental health care facilities.

In its October 2007 report, the CPT noted that, while the majority of prison officers were attempting to deal with prisoners in a humane manner, its 2006 delegation to the country received a number of allegations of verbal abuse or physical mistreatment of prisoners by members of the prison staff, consisting mostly of punches and kicks to the body. The report noted that in many instances prisoners against whom force was used were not examined by a doctor and, in those cases in which they were seen by health care staff, a full examination did not take place, and the injuries were not properly recorded.

The CPT delegation found that at least three of the country's prison establishments (the Limerick and Mountjoy prisons and the St. Patrick Institution) could be considered unsafe both for prisoners and for prison staff due to prisoner on prisoner intimidation and violence. The delegation noted that stabbings and assaults with various objects were frequent and that many prisoners met by the delegation bore the marks of such incidents. The report cited the availability of drugs and the lack of purposeful activities as reasons behind the increase in violence.

Prison overcrowding continued to be a problem, although transfers between prisons relieved some of the most urgent overcrowding. According to the 2007 Irish Prison Service annual report, prisons averaged a 95.7 percent occupancy rate, but several prisons exceeded their intended capacity.

At times prisoners held in detention awaiting trial were held in the same facilities as convicts. The October 2007 CPT report noted that 16 and 17 year old boys were held in the St. Patrick's Institution with young adults. This shortcoming was largely eliminated by the opening, in 2007, of a Special School to ensure separation between children and young adults. However, a small number of 17 year olds with specific individual needs continued to be held in the young adult part of St. Patrick's. These included sex offenders and vulnerable inmates who were accommodated separately for their own protection.

Despite continued criticism by human rights groups, authorities took no steps to alleviate the understaffing and poor infrastructure at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities. In an August 2007 report, the Central Mental Hospital director estimated that approximately 200 patients in prison at that time needed mental health treatment but were unable to receive it due to a lack of space at the Dundrum facility. Despite objections from a number of advocacy groups who argued that putting the hospital next to the prison would further stigmatize patients and contribute to the criminalization of

mental illness, the government remained committed to relocating the hospital to the new prison at Thornton.

The government generally permitted prison visits by domestic and international human rights observers, including the International Committee of the Red Cross, but it required appointments for such visits. There were no visits by such groups during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. Special arrest and detention authority was established in 1972 to try members of the Irish Republican Army. However, the last high profile use was in 2003. Despite suggestions that the use of this authority against gangsters would strengthen the prosecution of cases against organized crime, authorities have not used it in this way.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national police and the army, which was authorized to act when necessary in support of the unarmed police. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year; however, there were isolated problems of corruption and abusive behavior, which the government investigated.

Arrest and Detention

An arrest requires a warrant issued by appropriate authorities except in situations requiring immediate action for the protection of the public. Suspects detained by police must be promptly informed of the charges against them and, with few exceptions, may not be held more than 24 hours without charge. For "scheduled offenses," i.e., crimes involving firearms, explosives, or membership in an unlawful organization, a judge may extend the detention of a suspect for an additional 24 hours upon the police superintendent's request. The law permits detention without charge for up to seven days in cases involving suspicion of drug trafficking; however, to hold such a suspect more than 48 hours, police must seek a judge's approval.

The law requires that authorities bring a detainee before a district court judge "as soon as possible" to determine bail status pending a hearing; the judge decides whether to release the detainee on bail or continue detention until an appointed court date.

Upon their arrest, detainees and prisoners are allowed prompt and unrestricted access to attorneys. If the detainee does not have an attorney, the court appoints one; for indigent detainees the government provides an attorney through the free legal aid program. Detainees were allowed prompt access to family members.

There is a functioning bail system; 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) or when deemed necessary to prevent the commission of another serious offense.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

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, a government official independent of the Department of Justice, prosecutes criminal cases. Jury trials are generally used in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense, and authorities provided sufficient funds for this purpose during the year. Defendants enjoy a presumption of innocence and have the right to present evidence, question witnesses, and 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 nonjury "special criminal court" tries all scheduled offenses and any other cases that the director of public prosecutions certifies to be beyond the capabilities of an ordinary court. The three judges making up a special criminal court are selected by the judicial branch and usually include one high court judge, one circuit court judge, and one district court judge. The panel reaches its verdicts by majority vote. The 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 of such membership. Special criminal court proceedings are generally public, but judges may exclude certain persons other than journalists. Special criminal court decisions, like decisions in all other criminal cases, may be appealed to the Court of Criminal Appeal.

The constitution allows parliament to create tribunals, with limited powers, to investigate designated matters, usually cases of government corruption. They do not try cases; however, if warranted, their findings may be the basis for formal charges. In each instance, the legislation creating the tribunal sets out its powers and rules of procedure. Some tribunals were established to last indefinitely. Others were established only for a specific task and ceased to exist when that task was completed.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The independent and impartial judicial system hears civil cases and appeals on civil matters, including damage claims resulting from human rights violations; such claims may be brought before all appropriate courts, including the Supreme Court.

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

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

The constitution 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" material.

The law prohibits the use of words, behavior, or the publication or distribution of material that is threatening, abusive, or insulting and intended to, or likely to, incite hatred. There were no reports that authorities invoked these provisions during the year.

The law empowers the government to prohibit the state owned radio and television network from broadcasting any material "likely to promote or incite to crime or which would tend to undermine the authority of the state." Authorities did not invoke this prohibition during the year.

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

Broadcasting remained mostly under state control, but private sector broadcasting continued to thrive. There were 57 independent radio stations and one national independent television station. Access to cable and satellite television was widespread.

The Censorship of Publications Board has the authority to censor books and magazines that it finds indecent or obscene. The board did not exercise this authority during the year.

Two journalists were under criminal investigation for reporting details of an investigation into then prime minister Bertie Ahern's finances. The High Court determined that the two journalists had to reveal their sources and answer questions regarding their actions before the tribunal investigating the prime minister. The ruling was being appealed at year's end.

On January 1, an ombudsman for the press was established.

The Office of the Film Censor must classify films and videos before they can be shown or sold; it must cut or prohibit 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 prohibit any films or videos.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. The Internet was widely available and used by citizens.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected this right. 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.

c. Freedom of Religion

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

The constitution provides that "publication or utterance" of "blasphemous matter" is an offense, but it does not define blasphemy. In the most recent blasphemy case, in 1999, the Supreme Court ruled that in the absence of implementing legislation, there was no operational definition of blasphemy, making a successful prosecution impossible.

Most primary and secondary schools were denominational, and their management boards were governed partially either by trustees within the Catholic Church, whose believers constituted approximately 88 percent of the population, or by officials of other faiths in the case of schools based on other religions. Under the constitution the Department of Education must fund schools of different religious denominations, including Islamic and Jewish schools, on an equal basis, and did so during the year. Although religious instruction was an integral part of the curriculum, parents were allowed to exempt their children from such instruction.

The Equality Tribunal was in the process of mediating the case of the Sikh man who decided to leave the volunteer police reserve because of the police commissioner's refusal to lift the ban on wearing the turban in uniform.

In June the press reported that the principal of a Wexford school sought guidance from the Department of Education regarding whether it was appropriate to permit the wearing of hijabs (head coverings) in schools. Pending the department's response, the school granted permission providing the hijab met the color guidelines for school uniforms. The Department of Education asked the integration minister to consider the matter in the context of the development of an Intercultural Education Strategy.

Societal Abuses and Discrimination

According to the 2006 census, the Jewish community numbered 1,930 persons.

According to the Israeli Foreign Ministry's coordination forum for countering anti-Semitism, on January 4, a voice message containing anti-Semitic statements was left on the answering machine of the Dublin Hebrew Congregation. The same source reported that on May 15, anti-Semitic slogans and a swastika were daubed on the home of a couple in Tuam. No suspect was apprehended during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees

The laws provide 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. In 2007 the government recognized 579 asylum seekers as refugees.

Between January and September, the government granted leave to remain to 1,083 individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol. Of these, 985 were failed asylum seekers.

The country also had an ongoing resettlement program able to accommodate up to 200 persons annually. During the year, 191 of the 199 persons approved under the quota for 2007 arrived in the country.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Parliamentary elections, which observers considered to be free and fair, were held in May 2007. Political parties could operate without restriction or outside interference.

There were 22 women in the 166 seat house of representatives (Dail Eireann) and 13 women in the 60 seat senate (Seanad Eireann). The president of the republic was a woman, as were three of the 15 government ministers. There were five women on the 34 member High Court and two on the eight member Supreme Court.

There were no minorities in the lower house, the senate, or the cabinet. In June 2007 a Nigerian immigrant in Portlaoise became the country's first mayor of African origin.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. Allegations of government corruption during the year were few.

The Tribunal of Inquiry into Certain Planning Matters and Payments, commonly known as the Mahon Tribunal, continued to scrutinize ethical and legal questions surrounding former prime minister Bertie Ahern's acceptance of financial payments and loans from friends and business associates during his tenure as minister of finance in 1993-94. This in part contributed to Ahern's decision to resign on May 6, as he stated that "the constant barrage of commentary" was distracting the work of government.

Public officials were subject to financial disclosure laws. The Revenue Commission in the Department of Finance is responsible for identifying and combating government corruption.

The law provides for public access to government information and requires government agencies to publish information on their activities and make such information available to citizens, noncitizens, and foreign media upon request. Authorities generally granted public information requests and did not charge prohibitive fees. There were mechanisms for appealing 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 employment on the basis of gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community, and the government sought to enforce the law; however, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

Women

The law criminalizes rape, including rape within marriage, and the government enforced it. The law provides for free legal advice to victims of serious sexual assault. The courts service annual report covering 2007 documented a total of 76 rape cases tried in court and 48 persons convicted of rape and other sexual offenses. Most of the persons convicted received sentences of between five and 12 years in prison with two offenders receiving over 12 years and two offenders receiving life sentences.

The law criminalizes domestic violence, but domestic violence occurred. The law authorizes prosecution of a violent family member and provides victims two types of legal protections: safety orders and barring orders. Safety orders prohibit a person from engaging in violent actions or threats, but they 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 victims to apply for interim protection while courts process their cases. Violations of these orders are punishable by a fine of up to 1,900 euros (approximately \$2,600). According to official statistics, in 2007 the courts received 3,553 safety order applications and 3,355 barring applications; in both categories, more than one third of the applications were granted and nearly two thirds were withdrawn. It was possible for the same individual to be the subject of multiple orders. Of the safety and barring orders granted, more than half were related to the spouse of the applicant.

The government funded centers throughout the country for victims of domestic abuse.

Although prostitution is not a crime, it is illegal for a person in a street or public place to solicit for purposes of prostitution. The offense applies equally to a person who solicits a client for prostitution, a client who solicits the services of a person engaging in prostitution, or a third party who solicits on behalf of the other. It is also an offense to solicit another person in order to commit certain sexual offenses, such as sex with underage persons or to keep or to manage a brothel. Reports of, and arrests for, these crimes were rare.

The law obliges 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. Authorities effectively enforced the law in the few cases of sexual harassment that were reported.

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. However, inequalities in pay and promotions persisted in both the public and private sectors. Average women's earnings were 91 percent of men's. 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, and allocated ample funds to public education and health care.

The Health Service Executive (HSE) reported that 6,188 complaints of alleged child abuse were made in 2004. Of these, 1,425 were deemed to be proven cases of child abuse. The law establishes a strictly enforced requirement that organizations providing services to children identify and report cases of physical and sexual abuse. In 2007 the Dublin Rape Crisis Center reported that 46.6 percent of the calls to its crisis line involved child sexual abuse. Fifteen centers provided face to face support to 4,930 individuals. The law requires government health boards to identify and help children who are not receiving adequate care and gives police authority to remove children from the family if there is an immediate and serious risk to their health or welfare.

Unaccompanied minors entering the country continued to be an area of concern for both the government and nongovernmental organizations (NGOs). In 2006 the HSE reported that 328 migrant children were missing from the health care system in the period 2001-05. This number included children who entered the country with their parents (who may have come for work or study), as well as those who arrived separately. They may also have included Romanian children who were allegedly brought into the country for begging and then entered the health care system. During the year, five children were reported missing from the health care system. Police believed they were either reunited with family or had initially misrepresented themselves as minors in order to enter the country and left the HSE system to find work. The HSE believed that some of the children were trafficked into the country for labor or commercial sexual exploitation.

Numerous NGOs offered support for victims as well as resources for parents and professionals who work with children.

In 2006 the UN Committee on the Rights of Children expressed concern over the level of poverty and alcohol abuse among children and over proposed changes to the youth justice system that would permit the criminal prosecution of children as young as 10 years old. Legislation enacted in 2006 reduced the age of criminal responsibility for most crimes to 12 years, although for more serious crimes such as rape and murder, the legal age was reduced to 10 years.

The 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 all forms of trafficking in persons; however, there were reports that the Ireland was a country of transit and a destination for a number of trafficking victims from Eastern Europe, Africa (particularly Nigeria), Latin America (particularly Brazil), and Asia. There were also unconfirmed reports that the country was a transit point for persons trafficked to or from Northern Ireland. There was anecdotal information that some women were trafficked within the country. During the year the government investigated allegations of trafficking.

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 agriculture. There were no reliable statistics on the number of trafficking victims, but press reports and anecdotal information from police indicated that the number may have increased during the year. A September 2007 joint study by the National University of Ireland and Trinity College to establish a baseline estimate of cases of sex trafficking into the country in 2000-06 concluded that the minimum number of such cases during the seven year period was 76.

Socially disadvantaged noncitizen women and children, asylum seekers, refugees, and economic migrants were most likely to be trafficking victims. NGOs believed that many victims were initially trafficked as minors. However, they are often not discovered until they are 18 or older. NGOs reported that traffickers also targeted younger women who knew little English, lacked legal status, and had no recourse to social or familial networks. Traffickers

usually had their victims work from apartments, where illegal activities were easier to hide. NGOs reported that traffickers used the Internet to advertise and solicit victims. NGO and press accounts of the experiences of trafficking victims identified both Irish and foreign nationals among the traffickers. The majority of foreign traffickers were from Eastern Europe.

On June 7, a new Human Trafficking Act entered into force. It criminalizes trafficking in adults and children for the purpose of labor or sexual exploitation. It makes it an offense to sell or offer for sale, or to purchase or offer to purchase any person for any purpose and carries penalties of up to life imprisonment. It is not a defense for the trafficker to argue that the person consented to the commission of any of the acts. It is a crime to solicit a trafficked person for prostitution if the person soliciting knows, or has reasonable grounds for believing, that the person has been trafficked, and it is a crime to accept payment for the prostitution of a trafficked person. Fines of up to 5,000 euros (approximately \$7,000) and 12 months' imprisonment may be imposed for lesser offenses and unlimited fines and up to five years for more serious ones. The new act also provides that, if a citizen or resident is alleged to have committed a trafficking offense abroad, Irish courts may accept jurisdiction to try the offense and may impose similar penalties. The new act makes it a crime, carrying punishment of up to 10 years' imprisonment and an unlimited fine, to publish or broadcast any information that could identify an alleged trafficking victim. It makes provision for an alleged victim to give evidence through a live television link and, for adult victims, with the court's permission, to testify from either within the country or from abroad.

The government has a positive working relationship with NGOs combating trafficking. Government officials distributed and displayed NGO funded and developed posters to assist victims at airports, bus and rail stations, ports, hospitals, and police stations, and provided part of the funding for an NGO run hot line that offered assistance to victims and potential victims. The Department of Defense provides training modules to peacekeepers on human trafficking and sexual exploitation.

The Garda National Immigration Bureau and the Department of Justice are responsible for combating trafficking. An antitrafficking unit in the Ministry of Justice coordinates all governmental antitrafficking activities; its executive director reports directly to the minister. An interdepartmental high level group, with representatives from key government departments and agencies, recommends trafficking policies to the minister.

The country was a participant, along with the United Kingdom, Italy, Spain, Poland, and the Netherlands, in an initiative designed to ensure that the European Union becomes a more hostile environment for traffickers.

Authorities developed a training program in conjunction with the International Organization for Migration (IOM) to increase awareness among labor inspectors, health service employees, and others whom they identified as likely to encounter evidence of trafficking. A professional development course designed by the Garda Síochána, assisted by IOM, the United Kingdom Human Trafficking Center, and NGOs, was being delivered to frontline police, immigration officers, and a number of officers of the Police Service of Northern Ireland.

The Department of Justice did not allocate specific funds for trafficking victim assistance but has provided 275,000 euros (approximately \$385,000) per year to the NGO Ruhama, which supported victims of sexual exploitation. In the hope of deterring the demand side of sex trafficking, it provided additional funds to Ruhama for a film on the harm caused by purchasing sexual services.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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 the government effectively enforced these provisions. The law requires access to buildings where possible for persons with disabilities, and the government generally enforced these provisions.

There were four prison institutions without staff psychologists.

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

The law prohibits discrimination based on language, gender, disability, or social status, and the government sought to enforce the law; however, societal discrimination and violence against immigrants and racial and ethnic minorities, including Asians, East Europeans, and Africans, continued to be a problem. There were racially motivated incidents involving physical violence, intimidation, graffiti, and verbal slurs; the majority of these reportedly took place in public places. In a 2006 study, the Economic and Social Research Institute reported that 35 percent of immigrants interviewed had experienced discrimination or harassment in public places.

An NGO recorded 50 racially motivated incidents between January and July, compared to police reports of 174 in 2006. In 2007 police appointed 146 "ethnic liaison" officers, and 263 members of the police force attended cultural diversity awareness training.

According to the 2006 census, 22,369 persons identified themselves as nomadic members of a distinct ethnic group called "Travellers," whose history and culture differ from that of the majority. Travellers faced societal discrimination and were regularly denied access to premises, goods, facilities, and services; many restaurants and public houses, for example, would not serve them. While the law does not recognize Travellers as an ethnic group, there is a specific designation that protects them under the antidiscrimination laws.

Despite national regulations providing that no child may be refused admission to school on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Of the estimated 5,000 Traveller families, approximately 1,000 lived on the roadsides or other temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival, and their participation in the economy was limited by discrimination and lack of education.

A small number of discrimination lawsuits were filed and won during the year against proprietors for refusing to serve Travellers. The law obliges local elected officials to draw up and implement five year Traveller accommodation plans and to solicit Traveller input into the process. Under the act, each community must provide adequate accommodations for Travellers. Traveller NGOs argued, however, that many communities provided Travellers with housing, such as government owned apartments or townhouses, that was inconsistent with the nomadic Traveller lifestyle or provided halting sites that did not include basic amenities such as sanitary facilities, electricity, and water. Government expenditure on Traveller specific objectives was an estimated 144 million euros (approximately \$202 million) in 2005. The government subsequently ceased listing such expenditures separately in the budget and the amount allotted to Traveller specific objectives in later years was unknown.

Other Societal Abuses and Discrimination

There was no reported societal violence or discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join independent unions of their choice without previous authorization or excessive requirements, and the law was implemented. Approximately 33 percent of workers in the private sector and 95 percent in the public sector were union members. Police and military personnel may form associations, but technically not unions, to represent them in matters of pay, working conditions, and general welfare. The law allows unions to conduct their activities without government interference, and this right was exercised in practice. The law provides for the right to strike, except for police and military personnel, and workers exercised this right in both the public and private sectors.

b. The Right to Organize and Bargain Collectively

Labor unions have the right to pursue collective bargaining, and in most instances did so freely; however, employers, who were not required to engage in collective bargaining, did not encourage it.

There were no reports of antiunion discrimination.

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

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. NGOs reported that men and women were smuggled or trafficked into the country for work in the construction industry, commercial fishing, as domestics in private homes, or in agriculture; however, officials believed that, while trafficking and labor exploitation occurred, the magnitude of the problem was very small. Trafficked women and girls were forced into prostitution on the streets, from apartments, or as escorts. NGOs believed a number of Romani children have been trafficked for the purpose of forced begging; however, given the difficulty in understanding Romani family structures they could not confirm that the children were not with a natural parent.

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. Employers may hire children over the age of 15 on a part time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the employment of 18 year olds for late night work, and requires employers to keep more detailed records on workers under 18 years of age. The Office of the Labor Inspectorate at the Department of Enterprise, Trade, and Employment is responsible for enforcement and was generally effective. There were instances of child trafficking.

e. Acceptable Conditions of Work

The national minimum wage is 8.65 euros (approximately \$12) per hour, which did not provide a decent standard of living for a worker and family; however, low income families were entitled to such benefits as subsidized housing, medical coverage, and children's allowances. During the year reports persisted that the pay of foreign migrant workers was at times below the minimum wage, particularly in the rural agricultural and construction sectors. Partly

in response to these reports, the government established a labor monitoring agency independent of the Department of Enterprise, Trade, and Employment, which primarily represents business interests. This agency has been quite active; however, it was difficult to determine its overall effectiveness.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to nine hours per day and 48 hours per week. Overtime work is limited to two hours per day, 12 hours per week, and 240 hours per year. The government effectively enforced these standards. Although there is no statutory entitlement to premium pay for overtime, it could be arranged between employer and employee. NGOs and trade unions reported that these standards did not apply to agency workers, i.e. workers supplied by third party contractors. These workers, who were predominantly migrant laborers, were specifically excluded from laws regulating pay.

The Department of Enterprise, Trade, and Employment is responsible for enforcing occupational safety laws, and these laws provided adequate and comprehensive protection. There were no complaints from either labor or management during the year regarding significant shortcomings in enforcement. 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.