

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Ireland, with a population of approximately 4.1 million, is a multiparty parliamentary democracy with an executive branch headed by a prime minister, a bicameral parliament (Oireachtas), and a directly elected president. The country held free and fair parliamentary elections in 2007. Civilian authorities generally maintained effective control of the security forces.

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 2007, the most recent year that it published a report on the country, the Council of Europe's Committee for the Prevention of Torture (CPT) noted that it identified cases of police verbally or physically mistreating detainees during its 2006 monitoring visit to the country's prisons and detention centers.

Between January and October, the Police Ombudsman Commission received 1,781 complaints against police officers.

Prison and Detention Center Conditions

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

Prison overcrowding was a problem. According to the 2008 Irish Prison Service annual report, prisons averaged a 99 percent occupancy rate, with several prisons exceeding their capacity.

At times authorities held detainees awaiting trial in the same facilities as convicts. The country maintained a facility to ensure separation between children and young adults. However, authorities held a small number of 17-year-olds with specific individual needs, including the need for higher security, with young adults.

The inspector of prisons reported that overcrowding at Mountjoy prison (the country's largest) was so severe that prisoners were held in reception and shower blocks. A number of cells had no sanitation facilities, and prisoners were forced to "slop out" their cells. The prison was infested with mice and cockroaches.

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

The government generally permitted prison visits by domestic and international human rights observers, including the International Committee of the Red Cross. 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.

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 had 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 abusive behavior, which the government investigated.

Arrest Procedures and Treatment While in Detention

An arrest requires a warrant except in situations requiring immediate action for the protection of the public. Detainees must be promptly informed of the charges against them and, with few exceptions, may not be held longer than 24 hours without charge. For crimes involving firearms, explosives, or membership in an unlawful organization, a judge may extend detention 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 longer than 48 hours, police must seek a judge's approval.

Upon their arrest, the law permits detainees and prisoners prompt and unrestricted access to attorneys. If the detainee does not have an attorney, the court appoints one; for indigent detainees the government provides. The law allows detainees prompt access to family members.

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 law allows a court to refuse bail to a person charged with a crime 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 prosecutes criminal cases. The country generally used jury trials in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense. Defendants enjoy the 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 cases the director of public prosecutions certifies to be beyond the capabilities of an ordinary court. The judicial branch selects the three judges making up a special court, which usually includes 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 court accepts a sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization 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 may be appealed to the court of criminal appeal.

The constitution allows the 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. Authorities established some tribunals to last indefinitely and established others only for a specific task.

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. A new law, scheduled to go into effect in 2010, establishes that a person can be found guilty of blasphemy if "he or she publishes or utters matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion." The maximum penalty for this offense is a 25,000 euros (\$35,850) fine.

The law proscribes words or behaviors that are likely to generate hatred against persons in the country or elsewhere because of their race, nationality, religion, national origins, or sexual orientation. 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 it finds indecent or obscene. The board did not exercise this authority during the year.

On July 31, the Supreme Court overturned a lower court finding that two journalists had to reveal their sources and answer questions regarding their actions following their 2007 publication of details concerning then prime minister Bertie Ahern's finances.

The Irish Film Classification Office (IFCO) 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 IFCO 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. According to International Telecommunication Union statistics for 2008, approximately 64 percent of the country's inhabitants used the Internet.

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 authorities believe would 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.

Most primary and secondary schools were confessional, and trustees of the particular faith espoused by the school generally governed their management boards. 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, the law allows parents to exempt their children from such instruction.

The Department of Education indicated that it would not issue a formal policy recommendation on the June 2008 case of a Wexford school that granted permission for a student to wear a hijab (headscarf), providing the hijab met the color guidelines for school uniforms.

Societal Abuses and Discrimination

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

There were no developments in the cases of the January 2008 anti-Semitic voice message left on the answering machine of the Dublin Hebrew Congregation or the May 2008 painting of anti-Semitic slogans and a swastika on the home of a Jewish couple in Tuam.

For a more detailed discussion, see the *2009 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 country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government operated a resettlement program that accommodates up to 200 persons per year on referral from the UNHCR or identified through selection missions to existing UNHCR refugee operations.

During the year the government granted leave to remain to 659 individuals who did not qualify as refugees. Of these, 623 were failed asylum seekers.

There have been no reports of discrimination against refugees, restrictions on their ability to work, or access to education and law enforcement.

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

The country held parliamentary elections, which observers considered to be free and fair, in 2007. Political parties could operate without restriction or outside interference.

On June 5, the country held elections to the European Parliament that authorities considered free and fair.

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.

Section 4 Official Corruption and Government Transparency

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

During the year the investigation of former prime minister Bertie Ahern continued for his alleged improper acceptance of financial payments and loans from friends and business associates during his 1993-94 tenure as minister of finance.

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 5 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.

The country has an ombudsman for the press and a human rights commission.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership in the Traveller community, and the government sought to enforce the law; however, discrimination against racial and ethnic 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. In 2008 there were 72 rape cases tried in court and 42 persons convicted of rape and other sexual offenses. Most of the persons convicted received prison sentences of between five and 12 years. However, six offenders received longer sentences, including one life sentence.

The law criminalizes domestic violence, but such violence continued to be a problem. The law authorizes prosecution of a violent family member and provides victims with safety orders that prohibit a person from engaging in violent actions or threats and orders that bar an offender from entering the family home for up to three years. Victims may apply for interim protection while courts process their cases. Violations of these orders are punishable by a fine of up to 1,900 euros (\$2,723). In 2008 courts received 3,328 safety order applications and 3,096 barring applications.

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

Although prostitution is not a crime, any public solicitation for prostitution is illegal. It was also illegal 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 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.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. Women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. However, inequalities in pay and promotions persisted in both the public and private sectors. Average women's earnings were 78 percent of men's. Women constituted 43 percent of the labor force but were underrepresented in senior management positions.

Children

A person born on the island of Ireland in or after 2005 is automatically an Irish citizen if he/she is not entitled to the citizenship of any other country or if at least one of his/her parents is an Irish citizen, a British citizen, a resident of the island of Ireland who is entitled to reside in either the Republic or in Northern Ireland without any time limit on that residence, or a legal resident of the island of Ireland for three out of the four years preceding the child's birth (excluding time spent as a student or an asylum seeker).

In 2008 the Health Service Executive (HSE) reported receiving 23,268 complaints of alleged child abuse, of which 15,074 authorities formally investigated. The law requires that organizations providing services to children identify and report cases of physical and sexual abuse. In 2008 the Dublin Rape Crisis Center reported that 45 percent of the calls to its crisis line involved child sexual abuse. Fifteen centers provided face-to-face support to 4,928 individuals. The law requires government health boards to identify and help children who are not receiving adequate care and gives police the 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. Since 2000, 503 migrant children went missing from the health care system. Through August, 40 children were reported missing from the health care system.

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

The ombudsman for children investigates complaints from children or persons acting on their behalf against various governmental and nongovernmental bodies and promotes child welfare.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that men, women, and children were trafficked for commercial sexual exploitation and labor.

The country is a destination and, to a lesser extent, transit point for women, men, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Women from Europe, Africa and, to a lesser extent, South America and Asia reportedly have been trafficked to Ireland for forced prostitution. There were no reliable statistics on the number of trafficking victims, but a 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 since 2000 concluded that the minimum number of such cases during the seven-year period was 76.

The law prohibits the selling or purchasing of any person for any purpose and carries penalties of up to life imprisonment. The law 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 government works with NGOs to combat trafficking. The government distributed NGO-developed posters to assist victims at airports, bus and rail stations, ports, hospitals, and police stations, and provided funding for an NGO-run hotline for victims and potential victims.

The government, in conjunction with the International Organization for Migration (IOM), trained labor inspectors, health service employees, and others likely to encounter trafficking. A professional development course, designed by the police with the assistance of the IOM, the United Kingdom Human Trafficking Center, and NGOs, was provided to frontline police, immigration officers, and a number of officers of the Police Service of Northern Ireland.

The country maintained the unit to combat human trafficking. In 2008 the Department of Justice provided 275,000 euros (\$394,135) to the NGO Ruhama, which supported victims of sexual exploitation.

The Department of Defense provided training modules to peacekeepers on human trafficking and sexual exploitation. The country also participated in an EU initiative to combat trafficking.

There was no evidence that government officials participated in, facilitated, or condoned trafficking.

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.

The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy.

National/Racial/Ethnic Minorities

The law prohibits discrimination based on language or social status, and the government enforced the law; however, societal discrimination and violence against immigrants and racial and ethnic minorities, including Asians, Eastern and Baltic Europeans, and Africans, continued to be a problem. There were racially motivated incidents involving physical violence, intimidation, graffiti, and verbal slurs. NGOs reported an increase in "Irish only" job advertisements, and the Economic and Social Research Institute noted that job candidates with typical Irish names were more likely to be appointed than those with non-Irish names.

According to the 2006 census, 22,369 persons identified themselves as members of a nomadic ethnic group called "Travellers," with a distinct history and culture. Travellers faced societal discrimination and were regularly denied access to premises, goods, facilities, and services, despite applicable antidiscrimination laws.

Despite national regulations, Travellers frequently experienced difficulties enrolling their children in school. Of the estimated 5,000 Traveller families, approximately 1,000 lived on the roadsides or at 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.

The law obliges local officials to develop accommodations for Travellers and to solicit Traveller input into the process. Traveller NGOs asserted, 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.

Societal Abuses, Discrimination and Acts of Violence Based on Sexual Orientation and Gender Identity

There were seven gay and lesbian resource centers in the country, in Dublin, Cork (two centers), Limerick, Derry, Waterford, and Dundalk.

All cities and many smaller towns celebrated gay pride with parades and festivals. The government endorsed these activities and provided sufficient protection.

Other Societal Violence or Discrimination

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

Section 7 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. Among foreign-owned firms, an estimated 80 percent of workers did not belong to unions, although pay and benefits were usually more attractive compared with domestic firms. 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, the law did not require employers to engage in collective bargaining, and they did not encourage it. Unions reported 31 percent of the Irish labor force as members.

There were no reports of antiunion discrimination.

There are no special laws or exemptions from regular labor laws in the export processing zone at the 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 trafficked into the country for work in the construction industry, commercial fishing, as domestic servants in private homes, or in agriculture; however, officials asserted that while trafficking and labor exploitation occurred, the magnitude of the problem was 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.

The government has partnered with the International Labor Organization in its antitrafficking initiative and has formed a labor exploitation working group, involving members from trade unions and employer organizations.

d. Prohibition of Child Labor and Minimum Age for Employment

The government implemented laws and policies to protect children from exploitation in the workplace, and the government effectively enforced these laws. Children were trafficked for commercial sexual exploitation and forced begging and to work in restaurants and domestic service.

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.

e. Acceptable Conditions of Work

The national minimum wage is 8.65 euros (\$12.40) per hour. Although low-income families were entitled to such benefits as subsidized housing, medical coverage, and children's allowances to accommodate for low wage, legally present foreign migrant workers are eligible for this type of assistance. 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. The law explicitly omits foreign migrant workers from laws regulating wages.

The government operates a labor-monitoring agency independent of the Department of Enterprise, Trade, and Employment, which primarily represents business interests. The agency was active and effective.

The standard workweek is 39 hours. The law limited working hours in the industrial sector to nine hours per day and 48 hours per week. The law limited overtime work 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 also 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 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, and authorities effectively enforced this right.

