

# **IRELAND 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Ireland is a multi-party 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 and presidential elections in February and in October 2011, respectively. Authorities maintained effective control over the security forces.

The principal human rights problem remained poor conditions in a few prisons and detention facilities, some of which failed to meet basic needs for hygiene, were overcrowded, and prone to prisoner violence.

Other reported human rights problems included lengthy asylum determinations; the direct provision system for asylum seekers; gender inequality in the workplace with regard to pay and promotions; sexual assault and domestic violence; violence and discrimination against immigrants, particularly Africans; and societal discrimination against the indigenous Traveller minority. Acts of anti-Semitism were reported during the year.

The government took steps to prosecute officials who committed human rights abuses, including in the security services and elsewhere in the government.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

The law prohibits such practices, and there were no reports government officials employed them.

### **Prison and Detention Center Conditions**

While the majority of prisons met international standards, some of those that did not were upgraded during the year to meet prisoners' basic hygiene needs.

Physical Conditions: On November 3, the prison population was 3,760 persons. The official capacity of the prison system was 4,120 persons, but concerns remained that some prisons exceeded their capacity. Food was adequate, and detainees had access to potable water.

At times authorities held detainees awaiting trial in the same facilities as convicts. During the year there were 138 female prisoners. There was a separate prison for women as well as a separate wing in another facility. Juveniles (under the age of 18) cannot be sent to prison; they are sent to detention schools instead. Of all individuals sentenced and incarcerated as of June 30, 0.3 percent were juveniles held in detention schools.

Prisoners in some older facilities continued to have no sanitary facilities in their cells and had to use chamber pots in a process known as "slopping out," which humanitarian organizations referred to as inhuman treatment.

Administration: Recordkeeping on prisoners was adequate. In recent years the country took advantage of early release programs to address prison overcrowding. The judiciary may also use a range of noncustodial options. For example, the law requires a sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is under consideration. The Community Return Program allows prison officials to grant temporary release to carefully selected prisoners coupled with a requirement to do community service. A prisoner who does not comply with the conditions of release is returned to prison to serve the remainder of the sentence and is not eligible to be considered again for participation in the program. Prisoners can make complaints about their treatment to the Prison Service; the inspector of prisons has oversight of the complaints system. Prisoners had access to visitors and religious observance, and they could submit complaints to judicial authorities without censorship. Government authorities investigated credible allegations of inhuman conditions.

The Office of the Inspector of Prisons, a statutory, independent office, conducted multiple inspections and independent reviews of detention facilities and methods. The Irish Human Rights Commission (IHRC) and nongovernmental organizations (NGOs) reported that the prison inspector function was effective and independent.

Independent Monitoring: The government permitted visits and monitoring by independent human rights observers and maintained an open invitation for visits from UN special rapporteurs. During the year the Council of Europe's Committee for the Prevention of Torture visited the country's police detention centers, prisons, and mental institutions; at the end of the year, it had not yet published its findings.

Improvements: The Prison Service continued implementing a three-year strategic plan for 2012-15 and committed to undertake capital projects to replace outdated accommodations and facilities, reduce or eliminate chronic overcrowding in the prisons, and improve sanitary conditions. Work commenced on the refurbishment of the last of the four wings of Mountjoy Prison, which, when completed, will provide every prisoner in that facility with in-cell sanitation. Construction of a new prison in Cork began in January.

#### **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**

An Garda Siochana, or Garda, is the national police force. It maintains internal security and is under the control of the Department of Justice and Equality. The Defense Forces are responsible for external security under the supervision of the Department of Defense but are also authorized certain domestic security responsibilities in support of the Garda.

Civilian authorities maintained effective control over the Garda and the army. The government had effective mechanisms to investigate and punish abuse and corruption. Due to controversies surrounding the treatment of Garda whistleblowers and the system for the oversight of the police, the minister for justice announced plans to reform the police oversight body, the Garda Siochana Ombudsmen Commission (GSOC), and to establish an independent police authority. There were no reports of impunity involving the security forces during the year.

In 2013 the GSOC received 2,027 complaints from members of the public, compared with 2,089 in 2012. The largest number of allegations against police related to abuse of authority (34 percent), followed by neglect of duty (27 percent). Approximately 13 percent of the allegations were for nonfatal offenses against a detainee. Civil liberties organizations expressed concern over delays in the GSOC process, particularly with respect to allegations against senior Garda officials.

### **Arrest Procedures and Treatment of Detainees**

An arrest typically required a warrant issued by a judge, except in situations necessitating immediate action for the protection of the public. The law provides the right to a prompt judicial determination of the legality of the detention, and authorities respected this right. Authorities must inform detainees promptly of the charges against them and, with few exceptions, cannot hold them 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 a police superintendent's request. The law permits detention without charge for up to seven days in cases involving suspicion of drug trafficking, although police must obtain a judge's approval to hold such a suspect longer than 48 hours. The law requires authorities to bring a detainee before a district court judge "as soon as possible" to determine bail status pending a hearing. A court may refuse bail to a person charged with a crime carrying a penalty of five years' imprisonment or more, or when a judge deems continued detention necessary to prevent the commission of another offense.

Upon arrest the law permits detainees and prisoners to have access to attorneys, but in the past it did not permit them to have a legal representative present during questioning. On March 6, the Supreme Court issued a judgment affirming the right of an arrested person to have access to legal advice prior to questioning and to have a lawyer present during questioning by police. Subsequent to this decision, the director of public prosecutions issued a directive to the police that allows lawyers to be present during a suspected or accused person's police interview. The direction was followed by draft guidance prepared by the Department of Justice and Equality, suggesting that solicitors may participate during questioning by seeking clarification, challenging improper questions, advising clients not to reply to a particular question, or requesting suspension of the interview if they wish to give a client further legal advice in private.

The court appoints an attorney if a detainee does not have one. The law allows detainees prompt access to family members.

### **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

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

Defendants enjoy the right to the presumption of innocence, are informed promptly and in detail of the charges, and have the right to a fair and public trial by jury, except in certain cases. Defendants have the right to an attorney of their choice or can have one provided at public expense. They can confront witnesses and present their own testimony and evidence. Defendants have the right to adequate time and facilities to prepare a defense and to access government-held evidence. They have the right not to be compelled to testify or confess guilt. There is a right to appeal.

The law provides for a nonjury “special criminal court” (SCC) when the director of public prosecutions certifies a case to be beyond the capabilities of an ordinary court. A panel of three judges, usually including one high court judge, one circuit judge, and one district judge, hears such cases. They reach their verdicts by majority vote. The Irish Council on Civil Liberties, Amnesty International, and the UN Human Rights Committee noted authorities expanded the jurisdiction of SCCs in recent years to cover most organized-crime offenses. They also expressed concerns that SCCs used a lower standard for evidence admissibility and lacked an appeal mechanism for the prosecuting authority’s decision to remand a case to an SCC.

### **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.

Complainants may bring such claims before all appropriate courts, including the Supreme Court. Individuals can make a complaint (or application) to the European Court of Human Rights (ECHR) for alleged violations of the European Convention on Human Rights by the state if they have exhausted all available legal remedies, which usually entail an appeal to the Supreme Court.

### **Regional Human Rights Court Decisions**

The country is subject to the jurisdiction of the ECHR.

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

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

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

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

The law provides for freedom of speech and press, and the government respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech: The law proscribes words or behaviors likely to generate hatred against persons in the country or elsewhere because of their race, nationality, religion, national origins, or sexual orientation. The constitution prohibits blasphemy, defined as publishing or uttering “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 law permits defendants to argue “genuine literary, artistic, political, scientific, or academic value” as a defense. There has been only one prosecution for blasphemy since 1855.

Press Freedoms: The independent media were active and expressed a wide variety of views. The same prohibitions against language likely to generate hatred and blasphemy that affect freedom of speech also apply to the press. The government can 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 these prohibitions during the year.

Censorship or Content Restrictions: The Censorship of Publications Board has the authority to censor books and magazines deemed indecent or obscene. The board did not exercise this authority during the year. The Irish Film Classification Office must classify films and videos before they can be shown or sold. It must cut or prohibit any film considered “indecent, obscene, or blasphemous” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” During the year the classification office did not prohibit any films or videos.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Consistent with an EU directive, the government requires telecommunication companies to retain information on all telephone and internet contacts (not content) for two years. According to statistics of the International Telecommunication Union, approximately 79 percent of the population used the internet in 2013.

### **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 the freedoms of assembly and association, and the government generally respected these rights.

#### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for

Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country's asylum system adjudicates requests for asylum; those who receive a negative result can appeal the decision; asylum seekers have access to legal advice. (NGOs and the UN Human Rights Committee expressed concern over the length and complexity of the application and appeal processes. Of the 4,360 asylum seekers at the end of 2013, more than 3,000 had been in the country for more than three years, and one-fifth had been resident for more than seven years.

Safe Country of Origin/Transit: The country employs the EU's Dublin III Regulation, which permits the return of asylum applicants to the EU member state of original entry for adjudication of asylum claims.

Employment: Asylum seekers are not permitted to work.

Access to Basic Services: The country has not enacted into domestic law the EU Receptions Conditions Directive, but it has its own "direct provision" system that provides an asylum seeker room, meals, a weekly cash allowance, and access to health care. Children have access to education. NGOs and the UN Human Rights Committee expressed concern over the direct provision system for asylum seekers. According to the Reception and Integration Agency, as of May the average length of time for applicants in direct provision was four years. Human rights groups criticized the prolonged accommodation of asylum seekers in direct provision centers for not being conducive to family life and detrimental effects on individuals and children.

Durable Solutions: The government operated a resettlement program accommodating up to 200 persons per year on referral from the UNHCR or identified through selection missions to UNHCR refugee operations.

Temporary Protection: The country provides "subsidiary protection" to individuals who do not satisfy the legal criteria for refugee status but who cannot return to their country of origin due to a real risk of serious harm. Under EU guidelines individuals granted subsidiary protection are entitled to temporary residence



permits, travel documents, access to employment, and equal access to health care and housing. The country did not make a determination on subsidiary protection status at the same time as asylum status. This caused delays, as a separate subsidiary protection determination could take from months to more than a year to complete. According to Eurostat the country received 700 applications for subsidiary protection in 2013 and granted protection to 20 of them.

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

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: Observers reported the 2011 parliamentary and presidential elections were free and fair. The elections to the European Parliament on May 23 were also free and fair.

Participation of Women and Minorities: There were 27 women in the 166-seat Dail Eireann (lower house) and 19 in the 60-seat Seanad Eireann (senate). Four of the government's ministers were women, as were the chief justice of the Supreme Court, the director of public prosecutions, the attorney general, and the commissioner of the national police force. Six of the country's 11 members of the European Parliament were women. There were members of minority religions in the lower house and the senate. Despite improvements in broadening access to political participation, concerns remained that women were underrepresented in governing institutions.

The law obliges political parties to nominate women to at least 30 percent of their candidate positions for the next general election or lose half of their annually provided public funding.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government implemented these laws effectively.

Corruption: There were no reports of government corruption during the year. The country has a number of institutions responsible for identifying and combating government corruption, including an independent comptroller and auditor general, the Garda, and the Standards in Public Office Commission. The comptroller and Auditor General's Office provide independent oversight of public spending. The Garda investigates reports of corrupt practices in international business transactions and financial institutions. The Standards in Public Office Commission (SPOC) is an independent body that supervises the disclosure of interests, the disclosure of donations to elections and the expenditure during elections, and the expenditure of state funding received by political parties. The commission also provides advice and guidelines on compliance with the ethics acts, and investigates and reports on possible violations of the legislation.

Financial Disclosure: Elected and appointed officials, as well as civil servants at the higher grades, are required to furnish a statement, in writing, to the SPOC of their interests, the interests of their spouse, civil partner, or child that could materially influence the person in the performance of official functions. The SPOC verifies the disclosures. The financial disclosures made by elected officials are made public; other disclosures are made available in accordance with the law. There are criminal and administrative sanctions for noncompliance.

Public Access to Information: 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 freedom of information requests and provided mechanisms for appealing denials. The public's right to government information does not extend to some government organizations such as the Garda and the National Asset Management Agency.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

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

Government Human Rights Bodies: The government completed the merger of the IHRC and the Equality Authority into the new Irish Human Rights and Equality Commission. The new organization is independent of the government and acts as the national human rights institution. The legislation creates an obligation on

public bodies to take due account of human rights and equality in the course of their work. Human rights groups welcomed the new organization and were generally optimistic about its ability to provide independent oversight.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination. The nine grounds under which the law prohibits discrimination include sex, marital status, family status, sexual orientation, religion, age, disability, race, and membership in the Traveller community. The government effectively enforced these prohibitions.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government enforced it. In 2013, the most recent year for which data were available, there were 451 rapes among the 2,014 sexual offenses recorded. According to the director of public prosecution's most recent report, in 2012 there were 177 prosecutions for sexual offenses, resulting in 76 convictions. Most persons convicted received prison sentences of between five and 12 years.

The law criminalizes domestic violence, but such violence remained a problem. The law authorizes prosecution of a violent family member and provides victims with safety orders prohibiting a person from engaging in violent actions or threats and orders barring an offender from entering the family home for up to three years. Anyone who contravenes a safety, barring, or protection order is guilty of an offense punishable by a fine of up to 4,000 euros (\$5,000), a prison term of 12 months, or both.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Someone who performs FGM/C in the country, or takes a girl to another country to undergo FGM/C, can be prosecuted. The maximum penalty for these offenses is a fine of up to 10,000 euros (\$12,500), imprisonment for up to 14 years, or both. During the year there were no reported cases of FGM/C.

Sexual Harassment: The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. Authorities effectively enforced the law in cases of reported sexual harassment. The penalties for sexual harassment can include an order requiring equal treatment in the future, as well as compensation up to a maximum of two years' pay or 40,000 euros (\$50,000), whichever is greater.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence.

Discrimination: Women have the same legal rights as men, including rights under family law, property law, inheritance law, labor law, and in the judicial system. Inequalities in pay, although prohibited by law, and promotions persisted in both the public and private sectors (see section 7.d.).

## **Children**

Birth Registration: A person born after 2004 on the island of Ireland (including Northern Ireland) is automatically a citizen if at least one parent was an Irish citizen, a British citizen, a resident of either Ireland or Northern Ireland entitled to reside in either without time limit, or a legal resident of Ireland or Northern Ireland for three of the four years preceding the child's birth (excluding time spent as a student or an asylum seeker). Births are registered immediately.

Child Abuse: The law criminalizes engaging in or attempting to engage in a sexual act with a child younger than 17 years of age. The maximum sentence in such cases is five years' imprisonment, which can be increased to 10 years if the accused is a person in authority, such as a parent or teacher. The law additionally proscribes any person from engaging or attempting to engage in a sexual act with a juvenile younger than 15; the maximum sentence is life imprisonment. On January 1, the country established the Child and Family Agency, which reformed child protection, early intervention, and family support services. The government also provides funding to NGOs that carry out information campaigns about stopping child abuse as well as providing support services to victims.

Early and Forced Marriage: The legal minimum age for marriage is 18 years. Persons under 18 must obtain the permission of the Circuit Family Court or the High Court to marry. The court received 563 applications in 2013 and granted approval to 428. There were 20,680 marriages in the country in 2013, yielding an early marriage rate of 2 percent.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Someone who performs FGM/C or takes a girl to another country to undergo FGM/C can be prosecuted. The maximum penalty for these offenses is a fine of up

to 10,000 euros (\$12,500), imprisonment for up to 14 years, or both. During the year there were no reported cases of FGM/C.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities enforced the law. A maximum penalty of life imprisonment may be imposed for child trafficking and taking a child for sexual exploitation. A person convicted of meeting a child for the purpose of sexual exploitation faces a maximum penalty of 14 years' imprisonment. The minimum age of consensual sex is 17.

The law provides that a person convicted of allowing a child to be used for pornography may be sentenced to a fine of up to 31,000 euros (\$37,500), up to 14 years' imprisonment, or both. For producing, distributing, printing, or publishing child pornography, the maximum penalty is 1,900 euros (\$2,380), 12 months' imprisonment, or both, penalties the Irish Society for the Prevention of Cruelty to Children criticized as too lenient.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's report on country-specific information at [travel.state.gov/content/childabduction/english/country/ireland.html](http://travel.state.gov/content/childabduction/english/country/ireland.html).

### **Anti-Semitism**

According to the 2011 census, the Jewish community numbered 1,984 persons. There were few reported acts of anti-Semitism during the year. In April a package containing a white substance and anti-Semitic material was mailed to Minister for Justice Alan Shatter. Garda investigated the incident, and Taoiseach (Prime Minister) Enda Kenny labeled the incident a "new low." In May a volunteer election worker made anti-Semitic remarks while canvassing in support of a candidate for a local election. Upon learning of the remarks, the candidate visited the affected party and apologized. The volunteer was immediately dismissed from the campaign team, and the political party emphasized its work against racism.

On January 26, the Holocaust Education Trust Ireland organized a national Holocaust Day ceremony in which senior government ministers and public figures participated.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. The government effectively enforced these provisions and implemented laws and programs to ensure persons with disabilities have access to buildings, information, and communications. The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy. Children with disabilities generally have full access to all educational options at all levels. Observers reported minors continued to be admitted to adult psychiatric units, and human rights groups continued to criticize understaffing and working conditions at the Central Mental Health Hospital in Dundrum, the country's only secure mental health facility.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination based on race, which includes color, nationality, ethnicity, and national origins, and the government enforced the law. Societal discrimination and violence against immigrants and racial and ethnic minorities, nevertheless, remained a problem. In July the Immigrant Council of Ireland announced it had received 137 reports of racist incidents since the start of the year, up from 81 during the same period in the preceding year. The alleged incidents included allegations of physical violence, verbal attacks, and internet harassment.

Racially motivated physical violence, intimidation, graffiti, and verbal slurs occurred particularly against the country's African population. NGOs reported immigrants, particularly those of African descent, suffered unemployment disproportionately during the economic downturn (see section 7.d.).

According to the 2011 census, 29,495 persons identified themselves as members of an indigenous group known as Travellers, with a distinct history and culture. Despite applicable antidiscrimination laws and longstanding government policies to redress imbalances, Travellers faced societal discrimination and occasionally denial of access to education, employment, housing, sanitation, and basic services. Travellers received assistance from the government, particularly for education and housing (see section 7.d.).

The law obliges local officials to develop suitable accommodation sites for Travellers and to solicit Traveller input. Traveller NGOs asserted many communities provided Travellers with housing that was inconsistent with the nomadic Traveller lifestyle or provided transient caravan camping sites lacking in basic services such as sanitary facilities, electricity, and water.

A report by the children's ombudsman on the removal of two Romani children from their homes in 2013 criticized the use of racial profiling by police in these cases. The government sought to address discrimination by helping minorities and immigrants integrate into the society in a seamless fashion and through education of the general public. In addition the mandate of the Equality Authority includes combatting discrimination and promoting equality of opportunity. A dedicated office in the police force provides racial, intercultural, and diversity training and monitoring.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination on the basis of sexual orientation with respect to employment, goods, services, and education. The law does not include gender identity as a category.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes, and the government respected these rights in practice. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. All workers, regardless of occupation, have the right to freedom of association.

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 does not require employers to engage in collective bargaining. The law provides for the right to strike, except for police and military personnel, in both the public and private sectors. Labor unions have the right to pursue collective bargaining and in most instances did so freely. While workers are constitutionally protected in forming trade unions, employers are not legally obliged to recognize

unions and negotiate with them. The government facilitates freedom of association and trade union activity through a Labor Relations Commission, which promotes the development and improvement of Irish industrial relations policies, procedures, and practices, and the Labor Court, which provides resolution of industrial relations disputes.

The government enforced laws protecting the right to freedom of association; there were no reports of violations of the law. The country allocated adequate resources to the government to provide oversight of labor relations. The Labor Court is a court of last resort for trade unions and employers and seeks to process cases with a minimum of delay.

Workers freely exercised these rights. Unions conducted their activities without government interference. There were no reports of antiunion discrimination. Labor leaders did not report any threats or violence from employers.

A 14-week strike by workers from Greyhound Household recycling/waste management ended in September after the majority of strikers agreed to a 35 percent pay cut. During the strike the company employed agency workers to continue collecting rubbish and obtained injunctions against a number of politicians and members of the public who had joined the picketing union members.

In August workers at the country's railroad went on strike for two days to protest the introduction of cost-saving measures that changed their conditions of employment without agreement.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but there were reports of forced labor in the country. The government effectively enforced the law, but it was unclear how many labor traffickers were convicted during the year, if any.

The National Employment Rights Authority monitors compliance with employment rights and inspects workplaces. Forced labor is considered human trafficking under the laws. The penalty for human trafficking is up to life imprisonment and an unlimited fine. The law allows victims of forced labor the ability to sue exploitative employers for back wages and compensation. These penalties were sufficient to deter violations.



NGOs alleged employers subjected men and women to forced labor in construction, restaurant work, commercial fishing, and agriculture, as well as in private homes as domestic servants. The victims of forced labor were usually immigrants, either regular or undocumented. During the year the NGO Migrant Rights Center of Ireland documented exploitation of Asian migrants in the production of cannabis. Of the migrants interviewed after being charged for cannabis cultivation, 75 percent described conditions indicative of forced labor, including nonpayment of wages, confiscation of passports and identity documents, and restrictions on their mobility.

In July the government adopted the Employment Permits (Amendment) Bill 2014, which allows undocumented workers to sue exploitative employers for back wages and compensation in cases of forced or compulsory labor. Trade unions contended more needed to be done to identify and support victims and prosecute employers.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits employment of children under the age of 16 in full-time jobs. Employers may hire children who are 14 or 15 years old for light work on school holidays as part of an approved work experience or educational program. Employers may hire children over 15 on a part-time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the employment of children 18 and younger for late night work, and requires employers to keep detailed records of workers who are under 18. The law identifies hazardous occupations or occupational safety and health restrictions for workers under 18. Employers are required to verify there is no significant risk to the safety and health of a young person and the increased risk arising from the young person's lack of maturity and experience in identifying risks to their own safety and health is taken into account. The law stipulates that exposure to physical, biological, and chemical agents or certain processes be avoided and provides a nonexhaustive list of agents, processes, and work from which anyone under 18 may require protection.

The Office of the Labor Inspectorate and the National Employment Rights Authority (NERA) in the Department of Jobs, Enterprise, and Innovation were responsible for enforcement and were generally effective. Employers found guilty of an offense are liable to a fine of up to 2,000 euros (\$2,500). Continuing

breaches of the act can result in a fine of up to 300 euros (\$375) per day. For hazardous occupations the Health and Safety Authority has responsibility, and the penalties that can be imposed are the same as specified for other workers.

#### **d. Discrimination with Respect to Employment or Occupation**

The law bans discrimination in a wide range of employment and employment-related areas. It defines discrimination as treating one person in a less favorable way than another person based on any of the following grounds: sex, marital status; family status; sexual orientation; religion; age; disability, which includes persons with physical, intellectual, learning, cognitive or emotional disabilities; HIV-positive status or other communicable diseases and a range of medical conditions; race; and membership in the Traveller community (also see section 6). The law specifically requires equal pay for equal work or work of equal value.

Discrimination persisted, but the government has mechanisms to combat the problem. A university professor claimed that she had been discriminated against on gender grounds when overlooked for a senior lectureship in 2009. The Equality Tribunal found in her favor during the year and ordered the university to pay her 70,000 euros (\$87,500) and review its appointments system, ruling that the process was weighted against women. A born-again Christian was awarded 70,000 euros (\$87,500) after the Equality Tribunal found that he had been discriminated against because of his religion. A Lithuanian worker, who was racially abused by a customer and then fired by her employer in 2010 after she complained about the customer, was awarded 34,000 euros (\$42,500).

#### **e. Acceptable Conditions of Work**

The national minimum hourly wage was 8.65 euros (\$10.80). Laws establishing and regulating wage levels cover migrant workers. The standard workweek is 39 hours. There are nine public holidays each year, to which full-time workers have immediate entitlement; part-time workers have entitlement when they have worked a total of 40 hours in the previous five weeks. Depending on the hours worked, employees are entitled to paid annual leave. An employee who works at least 1,365 hours is entitled to four weeks of leave and less time if the employee works less. The law also makes provisions for parental and maternity leave, caregiver's leave, and adoptive leave. The law limits work in the industrial sector to nine hours per day and 48 hours per week. The law limits 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, premium pay

for overtime could be arranged between employer and employee. The government sets occupational health and safety standards.

The Department of Jobs, Enterprise, and Innovation is responsible for enforcing occupational safety laws, and these laws provided adequate and comprehensive protection. Depending on the seriousness of the violation, courts may impose fines, prison sentences, or both for violating the law. The maximum penalty is three million euros (\$3.75 million), imprisonment for up to two years, or both. The law also provides for immediate fines of up to 1,000 euros (\$1,250) for certain offenses. There were no complaints from either labor or management during the year regarding shortcomings in enforcement. NERA operated with a staff of 102, including 62 labor inspectors and nine inspector-team managers, and it was active and effective. The government revamped the system of workplace relations bodies, merging five organizations into two. The new workplace relations system is composed of the Workplace Relations Commission, which deals with complaints, and the Labor Court, which has responsibility for appeals. The responsibilities of the Labor Relations Commission, NERA, Equality Tribunal, the Employment Appeals Tribunal, and Labor Court were subsumed into the two new bodies.

Allegations persisted that employers at times paid foreign migrant workers below the minimum wage, particularly in the rural agricultural and construction sectors.

The informal economy was small. While largely undocumented and not reported, the agriculture and services sectors historically have had the most informal labor. There were reports, however, indicating the informal economy, which encompassed everything from narcotics to cash-only employment, could be growing as the country continued to face a prolonged economic slump.

By law an employer cannot penalize through dismissal, disciplinary action, or less favorable treatment employees who make a complaint or exercises their rights under health and safety legislation. Employers have an obligation to assure an employee's safety, health, and welfare at work as far as is reasonably practicable. There were 47 workplace fatalities in 2013, many of those the result of farming accidents. There were no major industrial accidents in which workers were injured or killed.