

# IRELAND 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister (Taoiseach), a bicameral parliament (Oireachtas), and a directly elected president. The country held free and fair parliamentary and presidential elections in February and October 2011, respectively. Civilian authorities maintained effective control over the security forces.

The principal human rights problems remained poor conditions in a few prison and detention facilities, lengthy asylum determinations, and discrimination against the indigenous Traveller minority.

Other reported human rights problems included prisoner-on-prisoner violence in some correctional facilities; violence and discrimination against immigrants, particularly Africans; sexual assault and domestic violence; and unequal pay and promotions for women in the workplace.

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.

#### **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.

In a report published in November describing its 2014 visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT), after noting the continued improvement by police (Garda) of their treatment of persons in custody, also reported several allegations of mistreatment. It described these as, "mostly involving blows with batons, as well as slaps, kicks, and punches to various parts of the body." Most allegations involved mistreatment at the time of arrest.

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

The majority of prisons met international standards, but some continued to fail to meet prisoners' basic hygiene needs.

Physical Conditions: As of October 16, there were fewer prisoners than the official capacity of the system as a whole, although some individual facilities, especially those for women, exceeded capacity. In 2014 there were eight reported deaths in the prison system.

At times authorities held detainees awaiting trial and detained immigrants in the same facilities as convicts. Authorities placed most juveniles in child-detention schools, but at any one time, they held approximately 15-20 juveniles who were 17 years old in an adult prison at Wheatfield Place of Detention and a small number in St. Patrick's Institution.

The inspector of prisons expressed concern that a minority of prison officers abuse their authority by bullying, intimidating, acting to ensure the discomfiture of prisoners, and taking other measures to disparage prisoners under their control. There was also growing concern about prisoner-on-prisoner violence, with ethnic minorities especially vulnerable. In November the Office of the Inspector of Prisons released an assessment of the culture within the Prison Service that highlighted the negative culture within the penal system and the inability of prison leadership to take effective, positive, and corrective steps to address deficiencies. Prisoners in some older facilities continued to lack sanitary facilities in their cells and had to use chamber pots, which national and international humanitarian organizations referred to as inhuman treatment. Human rights groups continued to criticize understaffing and poor working conditions at the Central Mental Health Hospital in Dundrum, the country's only secure mental health facility.

In its 2014 report, the CPT criticized conditions in a number of individual prisons. For example, at the Midlands Prison certain inmates were held apart for their own

protection (e.g., to protect them against prison gangs or from aggressive behavior by other prisoners), and were held two to a cell in cells designed to hold one person. The cells were in poor condition, with leaking sinks, broken windows, and no hot water. In the same Midlands Prison, health services were disorganized, and in Limerick Prison, access to health care appeared to be inadequate.

Administration: Recordkeeping on prisoners was generally adequate, but the Office of the Inspector of Prisons and nongovernmental organizations (NGOs) were critical that they were not always sufficiently detailed. In his report on deaths of prisoners in custody or on temporary release, the inspector of prisons stated that in some instances the management structure did not exist or was deficient, relevant standard operating procedures or management's orders were not followed, and proper records were not adequately maintained. In its November report, the CPT noted the lack in the Cloverhill Prison of a mechanism for automatic reporting by prison doctors of prisoner injuries, which the CPT stated would help prevent abuse by prison officials.

Prisoners can make complaints about their treatment to the Prison Service; the inspector of prisons has oversight of the complaints system. The Irish Human Rights and Equality Commission's (IHREC) Human Rights Committee expressed concern that the complaint mechanism does not provide for a fully independent system for dealing with every serious prisoner complaint.

Independent Monitoring: 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 and NGOs reported that the prison inspector function was effective.

The government permitted visits and monitoring by independent human rights observers and maintained an open invitation for visits from UN special rapporteurs.

Improvements: Improvements continued as a part of a three-year strategic plan for 2012-15 that included a number of capital projects. Renovation of the last wing of the Mountjoy Prison was completed and the prison was awaiting occupation. The number of prisoners using chamber pots dropped from 1,003 to 312. In the report on the 2014 visit of its mission, the CPT noted steps authorities had taken since its 2010 visit to reduce overcrowding "significantly" by opening new facilities and reducing the number of persons detained in several others.

#### **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. Controversies related to the oversight of police, and particularly their treatment of whistle-blowers, continued during the year. The parliament enacted legislation during the year allowing police officers to disclose allegations of wrongdoing within the police service to the Garda Siochana Ombudsman Commission (GSOC) on a confidential basis. The Garda ombudsman is responsible by law for conducting independent investigations, following referral from the Garda in circumstances where it appeared that the conduct of a police officer may have resulted in death or serious harm to a person. In 2014 the ombudsman initiated 60 such investigations, 14 of which involved fatalities. In February the parliament enacted legislation expanding the oversight powers of the GSOC. There were no reports of impunity involving the security forces.

In 2014 the GSOC received 2,242 complaints from members of the public. The most common complaints involved investigations, arrests, road policing, and searches. The largest number of allegations against police related to abuse of authority or neglect of duty. Approximately 12 percent of allegations were for nonfatal offenses against members of the public. The minister for justice requested the Garda ombudsman initiate a number of investigations, including an examination of practice, policy, and procedure of the Garda in relation to custody. Civil liberties organizations expressed concern over delays in the GSOC process, particularly regarding 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 a detention, and authorities respected this right. Authorities must inform detainees promptly of the charges against them and, with few exceptions, may not 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.

The law permits detainees and prisoners, upon arrest, to have access to attorneys. The court appoints an attorney if a detainee does not have one. The law allows detainees prompt access to family members.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: According to the CPT report on its 2014 mission to the country, authorities held immigration detainees at Cloverhill Prison together with detained and convicted prisoners where, in some cases, the immigration detainees were victims of bullying by convicts.

#### **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 generally enforced this right.

Defendants enjoy the right to the presumption of innocence, to be informed promptly and in detail of the charges against them, and to a fair and public trial by jury except in certain cases. Defendants have the right to an attorney of their choice or 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 that authorities expanded the jurisdiction of the SCC in recent years to cover most offenses related to organized crime. They expressed concern that the SCC used a lower standard for evidence admissibility, and there was no appeal against a prosecuting authority's decision to send a case to the SCC. In October the minister for justice announced implementation of earlier plans for a second SCC with seven judges appointed during the year to try terrorist and gang-related offenses. The minister cited long delays in processing cases as a reason for the second court. The Irish Council for Civil Liberties and other national and international organizations criticized the move.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

An 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 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.

### **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 and Expression: The law prohibits 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. A 2009 law 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 1955, and none under this law. Although the country does not have laws making Holocaust denial a crime, a man who engaged in performance art that denied the Holocaust received a prison sentence on weapons and public order offenses (see section 6, Anti-Semitism).

Press and Media 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 80 percent of the population used the internet in 2014.

### **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**

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity, this report will refer to these populations as 'migrants and asylum seekers' if more specific information is not available.

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.

Asylum seekers whose initial applications are rejected by the asylum system 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. At the end of 2013 (most recent figures available), more than 3,000 asylum seekers had been in the country for more than three years, and one-fifth had been present for more than seven years awaiting decisions on their asylum applications or appeals. In July the minister for justice indicated that asylum applications tripled in the first six months of the year compared with the same period in 2014.

Safe Country of Origin/Transit: The country generally follows 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. In September the government agreed to participate in an EU decision to distribute 120,000 migrants and asylum seekers to various countries within the EU without regard to the Dublin III provisions.

Employment: Asylum applicants may not work.

Access to Basic Services: The country employs a system called "direct provision" that includes housing, meals, a weekly cash allowance, and access to health care for asylum seekers. Children have access to education. NGOs and the UN Human Rights Committee expressed concern over the effects of the direct provision system. Human rights groups described the prolonged accommodation of asylum seekers (an average of five years and more than seven years for 20 percent of residents) as not being conducive to family life and having detrimental effects on adults and children.

Durable Solutions: In 2014 the government operated a resettlement program accommodating up to 200 persons referred by UNHCR or identified through selection missions to UNHCR refugee operations.

Temporary Protection: The government also provided temporary protection (subsidiary protection) to individuals who may not qualify as refugees and, according to Eurostat, granted such protection to 270 persons during the year. Such individuals were entitled to temporary residence permits, travel documents, access to employment, 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 several months to more than a year to complete.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised this right.

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

Recent Elections: Observers reported the 2011 parliamentary and presidential elections were free and fair.

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

The law provides criminal penalties for corruption by officials, and the government generally implemented the laws effectively. There were no reports of government corruption during the year.

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 Standards in Public Office Commission 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 commission verifies the disclosures. The financial disclosures of elected officials are made public. 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 freedom of information requests and provided mechanisms for appealing denials.

Legislation was enacted in 2014 extending the public's right to government information from all public bodies unless they are specifically exempt, in whole or in part, and from nonpublic bodies that are significantly funded by the state. The Garda, the National Treasury Management Agency Group, the Central Bank of Ireland, the industrial relations bodies, the Insolvency Service of Ireland, and the various ombudsmen enjoy partial exemption from these requirements on grounds

that release of certain forms of information would affect their ability to perform core functions or in the interests of the security or financial position of the country.

### **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 often were cooperative and responsive to their views.

Government Human Rights Bodies: The law obliges public bodies to take account of human rights and equality in the course of their work. The Irish Human Rights and Equality Commission, an organization independent of the government, monitors adherence of public bodies to these legal obligations. There is a human rights subcommittee of the parliamentary Committee on Justice, Defense, and Equality. Its role is to examine how issues, themes, and proposals before the parliament take into account human rights concerns.

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

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

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government enforced the law. Most persons convicted received prison sentences of five to 12 years. According to the director of public prosecution's most recent report, in 2013 there were 86 prosecutions for sexual offenses, resulting in 75 convictions.

The law criminalizes domestic violence. It authorizes prosecution of a violent family member and provides victims with "safety orders," which prohibit a person from engaging in violent actions or threats, and "barring orders," which prohibit an offender from entering the family home for up to three years. Anyone found guilty of violating a barring or protection order may receive a fine of up to 4,000 euros (\$4,400), a prison sentence of 12 months, or both. The law covers cohabiting couples, including same-sex couples and parents with a child in common, but not

individuals in intimate relationships who have not cohabited. Advocates have criticized the government for the lengthy waiting periods necessary to obtain barring orders.

The government permitted domestic violence to be included among factors affecting child custody decisions.

The National Office for the Prevention of Domestic, Sexual, and Gender-Based Violence has funded NGO-led public awareness campaigns, including the “Man Up” campaign that featured high-level government figures. NGOs expressed continued concern over government funding cuts that they contended would hinder support services for victims of family violence, the lack of a comprehensive governmental program to collect data about domestic violence, and the lack of a mechanism to provide safe living quarters for migrant women experiencing domestic violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls. The maximum penalty for performing FGM/C in the country or taking a girl to another country to undergo the procedure is a fine of up to 10,000 euros (\$11,000), imprisonment for up to 14 years, or both. During the year there were no reported cases of FGM/C. Police, Health Service Executive (the country’s public health service), Tusla, a child and family agency formed in 2014, and NGOs were on heightened alert during school holidays. Teachers have begun receiving training in detecting signs that a child is in danger of FGM/C and are legally obligated to report to police or child protection services if a girl may be in danger or if FGM/C has occurred.

Sexual Harassment: The law obliges employers to prevent sexual harassment and prohibits employers from dismissing an employee for making a complaint of sexual harassment. Authorities effectively enforced the law when sexual harassment was reported to them. The penalties can include an order requiring equal treatment in the future, as well as compensation for the victim up to a maximum of two years’ pay or 40,000 euros (\$44,000), whichever is greater. The law prohibits harassment and sexual harassment not only in employment but also in the supply of, and access to, goods and services.

Reproductive Rights: Couples and individuals have the right to decide 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. The Irish Constitution gives equal status to the mother and

the unborn child. In 2013 the country enacted the Protection of Life During Pregnancy Act to permit abortion in limited circumstances such as real and substantive risk to the life of the pregnant women. Some international and national organizations have raised concerns about the lack of legal and medical clarity in implementing the Act.

Discrimination: The law provides women the same legal status and rights as men, including rights under family law, property law, inheritance law, labor law, and in the judicial system. Inequalities in pay and promotions, although prohibited by law, 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). Authorities register births immediately.

Child Abuse: The law criminalizes engaging in, or attempting to engage in, a sexual act with a child younger than 17. The maximum sentence in such cases is five years in prison, which can increase 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 in, or attempting to engage in, a sexual act with a juvenile younger than 15; the maximum sentence is life imprisonment. Tusla reformed child protection, early intervention, and family support services. The government also provides funding to NGOs that carry out information campaigns against child abuse as well as those who provide 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.

Female Genital Mutilation/Cutting: See information in women's section above.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities enforced the law. Conviction of trafficking in children and taking a child for sexual exploitation carries a maximum penalty of life imprisonment. 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 a sentence of a fine of up to 31,000 euros (\$34,100), a prison sentence of up to 14 years, or both for a person convicted of allowing a child to be used for pornography. For producing, distributing, printing, or publishing child pornography, the maximum penalty is 1,900 euros (\$2,100), 12 months' imprisonment, or both. The Irish Society for the Prevention of Cruelty to Children criticized these penalties 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 compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and 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. On October 28, a judge sentenced Dermont Mulqueen to five months in jail for weapons and public-order offenses after he engaged in performance art in a public square in Ennis in January. During the performance, he put an ax through a television set to launch "International Holocaust Hoax Day" as indicated by a sign he placed at the scene. At sentencing, the judge stated, "it is an historical fact that the Holocaust was the greatest crime perpetrated against a section of mankind in the history of mankind."

Dublin's Irish Jewish Museum, which had been under threat of closure for lack of funds, settled a dispute--on terms it considered unfavorable--with the executors of its late curator, who left the museum three adjacent buildings. The museum continued to face funding challenges that could force its closure.

On January 25, the Holocaust Education Trust Ireland organized a national Holocaust Day ceremony in which senior government ministers and public figures participated and government and community organizations cooperated in funding and organizing. In August the Holocaust Education Trust Ireland hosted a three-day international training seminar.

### **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 give persons with disabilities access to buildings, information, and communications. The National Disability Authority is responsible for setting and implementing disability standards, as well as directing disability policy. According to the Central Statistics Office, in the last quarter of 2014, 16 percent of persons with disabilities (compared with 11 percent of those without disabilities) reported that they felt they had experienced discrimination. There were instances of employment discrimination against persons with disabilities (see section 7.d.). Children with disabilities generally had full access to all educational options at all levels. In a practice condemned by children's rights and mental health civil society groups, authorities continued to admit minors to adult psychiatric units, with at least 50 cases recorded as of August.

### **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. Nevertheless, societal discrimination and violence against immigrants and racial and ethnic minorities remained a problem. The country's African population, in particular, experienced racially motivated physical violence, intimidation, graffiti, and verbal slurs. NGOs reported that immigrants, particularly those of African descent, experienced unemployment disproportionately during the economic downturn (see section 7.d.). 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 Immigrant Council cooperated with the National Transport Authority on an antiracism campaign that asked citizens not to fear reporting racist incidents.

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 antidiscrimination laws and longstanding government policies to improve

their circumstances, Travellers continued to face societal discrimination and denial of access to education, employment, housing, sanitation, and basic services. According to an IHREC-commissioned study undertaken during the year, one in three individuals believed it was acceptable for shopping centers and pubs to refuse entry to members of the Traveller or Romani communities. Advocacy groups criticized reductions in the Traveller accommodation budget, which was cut by 90 percent between 2008 and 2015.

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 safety and basic services such as sanitary facilities, electricity, and water. During the year a fire killed 10 individuals from the Traveller community on a halting site (a facility where Travellers may park their vehicles) intended for temporary accommodation. The fire and subsequent attempt to find emergency accommodation for surviving family members spurred heated debate. The equality minister described some discriminatory acts and comments by the public, especially on social media, as “disgusting behavior.” The advocacy group Pavee Point was critical of the absence of an agency to address urgent improvements in housing and implement existing policies in health, education, and employment.

The government sought to address discrimination by helping minorities and immigrants integrate into the society and through education of the public. 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 an explicit category, but the courts have interpreted it as prohibiting discrimination against transgender persons.

There were a numbers of moves to eliminate discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. In May voters approved a referendum amending the constitution to permit same-sex marriage. Parliament subsequently enacted, and the president signed, enabling legislation. On July 15,

the parliament enacted the Gender Recognition Act, which provides a process enabling transgender people to achieve full legal recognition of their preferred gender and enables them to acquire a new birth certificate reflecting this change. Individuals older than 18 can self-declare, while 16- and 17-year olds can also apply for legal recognition as belonging to their preferred gender. In December parliament eliminated the exemption of religious-run state institutions from laws prohibiting employment discrimination against LGBTI individuals (see section 7.d.).

## **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. 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. The Industrial Relations (Amendment) Act 2015 reintroduced a mechanism for the registration of employment agreements between employers and trade unions governing wages and employment conditions.

Police and military personnel may form associations, 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 the Labor Relations Commission, which promotes the development and improvement of 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.

During the year there were bus and rail strikes and stoppages by staff represented by the National Bus and Rail Union and the Services, Industrial, Professional and Technical Union. Drivers picketed to protest plans to put out to tender 10 percent of routes operated by the two state-owned transport companies and protest a past productivity pay dispute by train drivers. The two companies initiated proceedings against the two unions in the bus dispute for losses sustained from what they alleged was an illegal strike. The unions rejected this claim. Earlier in the year, in the bus drivers' dispute, the unions secured sufficient safeguards to call off further planned strikes. Despite this resolution it was unclear what would occur with the court case.

#### **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, if any, labor traffickers were convicted during the year.

The Workplace Relations Act 2015 came into effect during the year. A Workplace Relations Commission (WRC) replaced the National Employment Rights Authority. The WRC monitors compliance with employment rights, inspects workplaces, and has prosecution services aimed at enforcement of employment rights legislation.

The law considers forced labor to be human trafficking. The penalty for human trafficking is up to life imprisonment and an unlimited fine. NGOs alleged employers subjected men and women to forced labor in construction, restaurant work, commercial fishing, car washes, and agriculture, as well as in private homes as domestic servants. The victims of forced labor were usually immigrants, either regular or undocumented.

In 2014 legislation came into force that allows undocumented workers to sue exploitative employers for back wages and compensation in cases of forced or compulsory labor. Trade unions and NGOs 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 14-15 years old for light work on school holidays as part of an approved work experience or educational program. Employers may hire children older than 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 must verify there is no significant risk to the safety and health of young people and take into account the increased risk arising from the lack of maturity and experience in identifying risks to their own safety and health. 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 types of work from which anyone under 18 may require protection. The government effectively enforced applicable laws, and there were no reports that child labor occurred.

The newly formed WRC was responsible for enforcement, and initial indications were that it was generally effective, with adequate resources and investigative and enforcement powers. Employers found guilty of an offense are liable to a fine of up to 2,000 euros (\$2,200). Continuing breaches of the act can result in a fine of up to 300 euros (\$330) per day. The Health and Safety Authority has responsibility for overseeing hazardous occupations and can impose the same penalties 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: sex; civil status; family status; sexual orientation; religion; age; disability, including physical, intellectual, learning, cognitive, or emotional disability; HIV-positive status or other communicable diseases and a range of other 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.

In December the parliament altered the Employment Equality Act to eliminate certain exemptions for state-affiliated institutions. The changes mean that members of the LGBTI community, divorcees, and single parents working in state-owned or state-funded schools and hospitals operated under religious patronage have the same legal protections against discrimination as workers in the private sector.

Discrimination persisted, but the government has mechanisms to combat the problem. The Equality Tribunal ordered a department store to pay 40,000 euros (\$44,000) in compensation to a former employee for discriminatory dismissal on the grounds of disability. The employee had been with the company for seven years. She sustained an injury outside of work and developed tendonitis, requiring surgery. The Tribunal found the condition was a disability, and there had been no satisfactory explanation of why the employee could not be accommodated and permitted to return to work. Nor did the employee have an opportunity to appeal the dismissal. The Equality Tribunal awarded a Polish woman 55,000 euros (\$60,500) for discrimination based on race, gender, and family status. The employee was working as a branch manager 60-70 hours a week for a salary below minimum wage. During her pregnancy she was discouraged from taking breaks or leave. When she returned from maternity leave she was effectively demoted to trainee manager despite being previously informed that she was entitled to a raise to go with her managerial responsibilities.

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

The national minimum hourly wage was 8.65 euros (\$9.52). 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. Employees who work at least 1,365 hours are entitled to four weeks of leave but less time if they work 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 to premium pay for overtime, it could be arranged between employer and employee. The government sets occupational health and safety standards. During the year authorities

undertook an annual review of the national minimum wage and made recommendations to the minister as required by the National Minimum Wage (Low Pay Commission) Bill of 2015.

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 (\$3.3 million), imprisonment for up to two years, or both. The law also provides for immediate fines of up to 1,000 euros (\$1,100) for certain offenses. There were no complaints from either labor or management during the year regarding shortcomings in enforcement. The government revamped its institutions responsible for regulating the workplace, 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, National Employment Rights Authority, Equality Tribunal, Employment Appeals Tribunal, and Labor Court were merged into the two new bodies.

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

The informal economy was small, and although largely undocumented, was likely concentrated in the agricultural and services sectors.

By law an employer may not penalize through dismissal, disciplinary action, or less favorable treatment, employees who make a complaint or exercise their rights under health and safety legislation. Employers have an obligation to protect an employee's safety, health, and welfare at work as far as is reasonably practicable. There were 42 workplace fatalities as of October 27, many of them the result of farming accidents.