

# IRELAND 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister, a bicameral parliament, and a directly elected president. The country held free and fair parliamentary elections in 2016 and presidential elections in 2011.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

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 Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **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 August the UN Committee against Torture published its concluding observations following the country's periodic hearing under the UN Convention against Torture. The committee recognized the country's positive steps to improve prison facilities, create the Irish Human Rights and Equality Commission (IHREC), create alternatives to prisons, and no longer imprison juveniles. The committee recommended that independent monitoring bodies as well as civil

society organizations be allowed to make repeated and unannounced visits to all places of deprivation of liberty, to publish reports, and to have the country act on its recommendations.

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

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

Physical Conditions: As of October 10, prisons overall had fewer inmates than the official capacity of the system, although five facilities exceeded capacity.

In 2016 there were nine reported deaths in the prison system.

At times authorities held detainees awaiting trial and detained immigrants in the same facilities as convicts. On March 30, the minister for children and youth affairs ended the sentencing of children to prison. Since that date courts commit children up to age 17 to the Children's Detention Center at Oberstown. As of September 19, no juveniles were in the custody of the Irish Prison Service.

In November 2016 the Office of the Inspector of Prisons, an independent statutory body, released assessments of the prisoner complaints procedures and health care. The office found significant deficiencies related to the operation of the prisoner complaints procedures, notably that there was no external, independent appeal process. One of the key recommendations in the inspectors' report was that prisoners' complaints should be subject to review by the Office of the Ombudsman, who would also be able to deal with complaints directly in case of undue delay.

An August report by the Health Information and Quality Authority (HIQA--a government-funded agency that monitors the safety and quality of health care) highlighted shortcomings at the Oberstown facility. It found some residents were forced to spend a week or longer isolated from their peers and without access to fresh air. It also noted that fire safety policy was not fully implemented despite being identified by an HIQA inspection in 2015.

In June a security breach at Oberstown resulted in damage to the facility, physical threats to personnel, and the escape of two youths from the facility. Both youths were recovered and returned within one week.

A small number of prisoners in older facilities continued to lack sanitary facilities in their cells and had to use chamber pots in a practice known as “slopping out,” 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.

Administration: The inspector of prisons has oversight of the complaints system. Prisoners can submit complaints about their treatment to the prison service. IHREC’s Human Rights Committee expressed concern in September in their Submission to UN Human Rights Committee that complaint procedures did not provide for a fully independent system to deal with all serious complaints. An August 2016 report by the inspector of prisons said that while the overall complaints system was reliable, it was lacking in several areas due to the failure of employees to observe the agreed protocol, a lack of independent oversight, and a general absence of accountability.

Independent Monitoring: The Office of the Inspector of Prisons, an independent statutory body, conducted multiple inspections and independent reviews of detention facilities and methods. Nongovernmental organizations (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: On March 30, the minister for children and youth affairs ended the sentencing of children to prison. On April 7, the minister of justice and equality closed the St. Patrick’s Detention Center for Children, a facility with a history of violating detainee rights.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

#### **Role of the Police and Security Apparatus**

An Garda Siochana (Garda) is the national police force. It maintains internal security under the auspices 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 defense forces. Controversies related to the oversight of police continued during the year. In 2015 parliament enacted legislation allowing police officers to disclose allegations of wrongdoing within the police service to the Garda Siochana Ombudsman Commission (GSOC) on a confidential basis. By law the Garda ombudsman is responsible for conducting independent investigations, following referrals from the Garda, in circumstances in which police conduct might have resulted in death or serious harm to a person. In 2016 the ombudsman received 51 referrals, 12 of which involved fatalities. There were no reports of impunity involving the security forces.

In 2016 the GSOC received 1,758 complaints from the public, fewer than the previous year. The most common complaints involved investigations, arrests, road policing, customer service, and searches. The largest number of allegations against police related to abuse of authority or neglect of duty.

When the GSOC directly investigates or supervises investigations involving disciplinary breaches, it may recommend disciplinary proceedings to the Garda commissioner. In 2015 the GSOC made 16 recommendations for disciplinary proceedings. The GSOC refers other cases involving less serious breaches of discipline to the Garda for investigation. In 2015 the GSOC referred 544 cases concerning breaches of discipline to the Garda for investigation.

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

An arrest typically requires 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 longer, 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.

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

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

#### **Trial Procedures**

The law provides for the right to a fair and public 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, to be present at their trial, and to be granted a fair, timely, and public trial 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 free assistance of an interpreter. 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, such as terrorist or criminal gang offenses. 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 2015 the justice

minister announced the establishment of 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 first trial at Second Special Criminal Court opened in October 2016. Sixty new cases were received in the SCCs in 2016 and 67 were resolved. Most of the cases involved membership in an illegal organization or possession of firearms or explosives. The Irish Council for Civil Liberties and other national and international organizations criticized the move to expand the use of SCCs.

### **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 may lodge a complaint or application with 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 in the Irish legal system, including an appeal to the Supreme Court.

### **Property Restitution**

No immovable property was confiscated from Jews or other targeted groups in Ireland during World War II by the Irish government or Nazi Germany. According to the delegation of Ireland to the Holocaust Era Assets Conference, the country had experienced only one case where allegations concerning provenance were made and therefore had not enacted formal implementation mechanisms in this regard. The country's policy is to monitor these issues as they may evolve in the future and to proceed on a case-by-case basis.

### **f. Arbitrary or Unlawful 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 Expression, Including for the Press**

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

Freedom of Expression: The law prohibits words or behaviors likely to generate hatred against persons because of their race, nationality, religion, national origins, or sexual orientation. The 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 the most recent (2009) law.

Press and Media Freedom: The independent media were active and expressed a wide variety of views. The same prohibitions against language likely to generate hatred and blasphemy that affected freedom of speech also applied 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 distributed. 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 the International Telecommunication Union, approximately 82 percent of the population used the internet during 2016.

### **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 peaceful 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**

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. In its August report on the country, the UN Committee against Torture provided several recommendations on how the country could make the refugee process more humane. The committee recommended establishing a formal screening procedure to identify torture survivors and other vulnerable asylum seekers and provide them with all necessary support. It also recommended providing adequate funding for the provision of medical and legal reports and rehabilitation of torture survivors, ensuring that asylum seekers are detained only as a last resort and in facilities suited to their status, and providing persons refused "leave to land" with access to legal advice and information.

### **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. Asylum seekers whose initial applications are rejected 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. In 2016 the average length of stay in “direct provision” (defined below in subsection on Access to Basic Services) was 32 months. Twenty-three percent (1,055 of 4,465) of asylum seekers had been in the country for more than three years, awaiting decisions on their asylum applications or appeals. The commissioner of the Office of the Refugee Applications stated the office received 2,244 asylum applications in 2016, compared with 3,276 in 2015. As of July the International Protection Office, which took over the responsibilities of the Office of the Refugee Applications, received 1,457 asylum applications. There were 4,446 individuals removed or deported from the country in 2016, an increase from the 3,790 in 2015. The Refugee Appeals Tribunal indicated that the number of cases reviewed in 2016 increased, with the tribunal hearing 1,255 cases, compared with 799 in 2015. It also issued rulings in 1,163 appeals--an 82 percent increase--with 2,342 cases awaiting a decision.

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 2015 the government agreed to participate in an EU decision to distribute 106,000 asylum seekers to various countries from Greece and Italy within the EU without regard to the Dublin III provisions.

Employment: In May the Supreme Court ruled that the ban that had been in force preventing asylum seekers from working before their status was decided was contrary to the constitutional right to seek employment. The court postponed making formal orders for six months to allow the legislature to consider how to address the situation. On October 4, the minister for justice announced that adults living in “direct provision” accommodation (defined in the next subsection) are to be allowed to work, although no definitive timeframe was given.

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 about the effects of the direct provision

system, specifically noting that the prolonged accommodation of asylum seekers (an average of five years and more than seven years for 20 percent of residents) had detrimental effects on adults and children.

Durable Solutions: The government operated a resettlement program to accommodate up to 200 persons referred by UNHCR or identified through selection missions to UNHCR refugee operations. The government provides a post-arrival cultural orientation program and civic and language courses.

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 41 persons of the 641 cases finalized in 2016. Such individuals were entitled to temporary residence permits, travel documents, access to employment, health care, and housing. The country did not make determinations on subsidiary protection status at the same time as determining 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 held by secret ballot and based on universal and equal suffrage.

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

Recent Elections: Observers reported that the 2016 parliamentary and 2011 presidential elections were free and fair.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate.

### **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, but officials sometimes engaged in corrupt practices with impunity.

Corruption: There were isolated reports of low-level 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 financial interests and 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 were made public. There are criminal and administrative sanctions for noncompliance.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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. IHREC, an independent government organization, monitored adherence of public bodies to these legal obligations. IHREC was active throughout the year, holding consultations, training sessions, briefings, and policy reviews on a number of human rights issues.

There is also a human rights subcommittee of the parliamentary Committee on Justice, Defense, and Equality. Its role is to examine how issues, themes, and proposals before parliament take into account human rights concerns.

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

#### **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. 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” (restraining orders), which prohibit an offender from entering the family home for up to three years. Anyone found guilty of violating a barring or an interim protection order may receive a fine of up to 4,000 euros (\$4,800), a prison sentence of 12 months, or both. A 2014 Garda Inspectorate review found that police did not always correctly record domestic violence cases.

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 (\$12,000), imprisonment for up to 14 years, or both.

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. 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 (\$48,000), whichever is greater. The law prohibits sexual harassment not only in employment but also in the supply of, and access to, goods and services.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law provides women the same legal status and rights as men. Inequalities in pay and promotions persisted in both the public and private sectors.

## **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 prohibits 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, the government's Child and Family Agency, provided child protection, early intervention, and family

support services. The government also provided funding to NGOs that carried out information campaigns against child abuse as well as those who provided support services to victims.

Early and Forced Marriage: The legal minimum age for marriage is 18 years, including for citizens who marry abroad. Persons under 18 must obtain a court exemption order.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities enforced the law. Conviction of trafficking of children and taking a child from home 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 Criminal Law (Sexual Offenses) Act enacted in February set a maximum fine of 5,000 euros (\$6,000). The minimum age of consensual sex is 17.

The law provides for a fine of up to 31,000 euros (\$37,200), 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 5,000 euros (\$6,000), 12 months' imprisonment, or both.

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 *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

According to the 2016 census, the Jewish community numbered 2,557 persons.

On January 29, the Holocaust Education Trust Ireland in association with the Department of Justice and Equality, the Office for the Promotion of Migrant Integration, and Dublin City Council organized a national Holocaust Day Memorial commemoration in which senior government ministers and other public figures participated.

According to the newspaper *Irish Independent*, Shmael Heirouche, a Dutch citizen living in the country, was sentenced on May 31 in Cork Circuit Criminal Court to

five years' imprisonment after pleading guilty to the charge of threatening to kill or cause serious harm. He had threatened his two French housemates, praised the Islamic State, and said he would behead Jews.

### **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. The government effectively enforced these provisions and implemented laws and programs to give persons with disabilities access to buildings, information, and communications.

Children with disabilities generally had full access to educational options at all levels. In a practice condemned by children's rights and mental health groups, authorities continued to admit minors to adult psychiatric units, with 68 reported admissions of children to adult units, according to the 2016 annual report of the Mental Health Commission.

### **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 remained a problem. The country's African population and Muslim community in particular experienced racially motivated physical violence, intimidation, graffiti, and verbal slurs. According to the European Network Against Racism, the number of reported racist incidents rose by 39 percent in 2016 to 435.

Advocacy groups criticized reductions in the accommodation budget for Travellers, an ethnic group with a distinct history and culture, which was cut by 90 percent between 2008 and 2017. The law obliges local officials to develop suitable accommodation sites for Travellers and to solicit Traveller input. Traveller NGOs asserted that many communities provided Travellers with housing that was unsuitable for their nomadic lifestyle or provided transient caravan camping sites that were unsafe and lacking basic services such as sanitary facilities, electricity, and water. Pavee Point criticized the absence of an agency to address the urgent

need for improvements in housing and the implementation of existing policies in health, education, and employment.

In 2016 the Council of Europe's Committee of Social Rights determined that the country's law and practice violated the human rights of Travellers on the following grounds: inadequate conditions at many Traveller sites, insufficient provision of accommodation for Travellers, inadequate legal safeguards for Travellers threatened with eviction, and evictions carried out without necessary safeguards.

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

The law prohibits discrimination based on sexual orientation with respect to employment, goods, services, and education. The law does not include gender identity as an explicit category, but the courts interpreted it as prohibiting discrimination against transgender persons.

Civil liberties and civil society organizations alleged that no specific legislation existed to deal with other forms of hate crimes or to ensure that prejudice was taken into account as an aggravating factor when sentencing criminals.

## **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. The Industrial Relations (Amendment) Act of 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, with employers' cooperation in most cases. While workers are constitutionally protected in forming trade unions,

employers are not legally obliged to recognize unions or to 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 sought 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 strikes and stoppages by staff represented by the National Bus and Rail Union and the Services, Industrial, Professional, and Technical Union. In March, Bus Eireann workers began 21 days of strike action over a disagreement concerning pay and conditions at the company; management had decided to implement cost-cutting measures without union agreement. On April 13, the unions agreed to Labor Court recommendations, which included 200 job cuts, including 120 drivers, as well as cuts to salaries over 60,000 euros (\$72,000).

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

The law prohibits all forms of forced or compulsory labor. The government effectively enforced the law.

The Workplace Relations Commission (WRC) monitors compliance with employment rights, inspects workplaces, and has authority to prosecute alleged violations of employment rights.

The law considers forced labor to be human trafficking. The penalty for human trafficking is up to life imprisonment and an unlimited fine. These penalties were sufficient to deter violations. NGOs alleged that employers subjected men and women to forced labor in construction, restaurant work, waste management, commercial fishing, car washes, and agriculture, as well as in private homes as domestic servants. Vietnamese and Chinese men who were prosecuted and sentenced for cannabis cultivation reported indicators of forced labor, such as



document retention, restriction of movement, and nonpayment of wages. The Romani community and undocumented migrant workers were high-risk groups susceptible to human trafficking.

The law 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 to 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 and occupational safety and health restrictions for workers under 18, which generally involve working with hazardous materials or chemicals. Employers must verify there is no significant risk to the safety and health of young persons 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 illegal child labor occurred.

The WRC is responsible for enforcement, and 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 (\$2,400). Continuing breaches of the act can result in a fine of up to 300 euros (\$360) 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 and 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 color, political opinion, national origin, citizenship, social origin, language, or 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; or 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.

The Employment Equality Act 2015 eliminated certain exemptions for state-affiliated institutions. Members of the lesbian, gay, bisexual, transgender, and intersex community, divorcees, 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.

The government effectively enforced applicable laws, and the nature of penalties for violations was sufficient to deter violations.

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

The national minimum hourly wage was increased to 9.25 euros (\$11.10) per hour on January 1. 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 provides for parental and maternity leave, caregiver's leave, and adoptive leave. The Paternity Leave and Benefit Act of 2016 introduced statutory paternity leave of two weeks. 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.

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 (\$3.6 million), imprisonment for up to two years, or both. The law also provides for fines of up to one thousand euros (\$1,200) for certain offenses. There were no complaints from either labor or management during the year regarding shortcomings in enforcement.

Minimum wage, hours of work, and health and safety standards were effectively enforced in all sectors of the formal economy. The WRC secures compliance with employment rights legislation through inspection and prosecution. The WRC's Inspection Services have the authority to carry out employment rights compliance inspections under employment legislation. The WRC has the power under a number of employment laws to prosecute employers who are alleged to be in breach of the law.

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. According to a report from the Health and Safety Authority, there were 46 workplace fatalities in 2016, down from 56 in 2015, 18 of them the result of farming accidents. Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment.