

IRELAND

EXECUTIVE SUMMARY

Ireland is a multiparty parliamentary democracy with an executive branch headed by a prime minister, a bicameral parliament (Oireachtas), and a directly elected president. The country held free and fair parliamentary and presidential elections in February. Security forces reported to civilian authorities.

The principal human rights problems were related to conditions in older prisons and detention facilities, some of which failed to meet basic needs for hygiene and sanitation. In addition, some prisons were overcrowded.

Other human rights problems reported were: trafficking in persons; discrimination against racial minorities, immigrants, and an indigenous nomadic group called Travellers; domestic violence; and the mistreatment of children.

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 that the government or its agents committed arbitrary or unlawful killings.

On April 3, Police Service of Northern Ireland Constable Ronan Kerr, a Catholic, was killed by a booby-trap bomb placed under his car at his home in Omagh, Northern Ireland. Following a three-month, cross-border search, police arrested five alleged members of a dissident republican splinter group for the crime. Press reports suggested that these groups, which rejected the peace agreement in Northern Ireland and sought the full reunification of the island, actively targeted Catholic members of security forces to hinder “normalization” in Northern Ireland. At year’s end the trial was still pending.

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 that government officials employed them.

In 2010, Garda Siochana Ombudsman (GSOC) received 2,258 complaints from the public, of which 722 were inadmissible. The complaints contained 4,931 allegations of misconduct by police, of which 1,087 were deemed inadmissible. The reasons for inadmissibility varied from complaints being outside the six-month time limit to infractions being deemed by GSOC to be frivolous or of such minor concern that the issuance of a warrant to investigate was not unnecessary. The largest number of allegations against police related to abuse of authority, followed by neglect of duty. Approximately 15 percent of the allegations were for nonfatal offenses against a potential detainee. The overall number of complaints and allegations against police officers decreased approximately 15-25 percent from 2009.

On October 2, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report of its February 2010 visit to the country's police detention centers, prisons, and mental institutions. Most of the detainees that the committee interviewed in detention centers indicated they had been treated correctly, but a number stated that officers had verbally or physically mistreated them. The alleged physical abuse consisted mostly of kicks, punches, and blows with batons to various parts of the body. It took place mainly at the time of arrest or during transport to a Garda station. In interviews with convicted prisoners, the CPT reported allegations that officials engaged in physical mistreatment consisting mostly of punches and kicks to the body. Guards also reportedly verbally abused, including with racist comments, members of the Traveller community and foreigners. This was particularly a problem at Cork Prison, where such treatment seemed to be particularly prevalent during removal of the prisoners to the segregation unit, a separate area where HIV-positive prisoners and serious drug and criminal gang members were held.

Prison and Detention Center Conditions

While many prisons met international standards, some of the country's older prisons failed to meet prisoners' basic hygiene and sanitation needs. On October 2, the CPT reported that some prisoners in Portlaoise Prison had no sanitary facilities in their cells and were forced to use chamber pots in a process known as "slopping

out” and that the ventilation in Cork and Mountjoy prisons was inadequate. Prison overcrowding was a problem. The 2010 Irish Prison Service cited a number of cases of prisons exceeding their bed capacity.

The government permitted visits by independent human rights observers.

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

During 2010 a total of 13,758 people, including 1,701 women and 234 juveniles, were in some form of detention. The prison population averaged 4,500 inmates a day. At times authorities held detainees awaiting trial in the same facilities as convicts. Although the country maintained separate facilities for children and young adults, in certain specific circumstances, including the need for higher security, authorities held a small number of 17-year-olds together with young adults. There were no reported instances of detainees awaiting trial being held together with convicts.

Prisoners had access to visitors, were permitted religious observance, and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

The government permitted monitoring by independent, nongovernmental authorities.

Prisoners had access to potable water. There is a prison ombudsman. In recent years the country has taken advantage of early release programs to deal with prison overcrowding. Women prisoners experienced the same conditions as men. The government took limited steps to improve prisons, including early parole programs to lessen prison overcrowding.

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

The Garda is the national police force and maintains internal security. It is under the control of the Ministry of Interior. Ireland's Defense Forces are responsible, under the supervision of the Ministry of Defense, for external security, but also have some domestic security responsibilities. The Defense Forces are authorized to act when necessary in support of the Garda.

Civilian authorities maintained effective control over the Garda and the army. The government has effective mechanisms to investigate and punish abuse and corruption. While there were no reports of impunity involving the security forces during the year, there were isolated problems of minor abusive behavior, which the government investigated and punished.

Arrest Procedures and Treatment While in Detention

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 the detention, and this right generally was respected in practice. Authorities must inform detainees promptly of the charges against them and, with few exceptions, cannot hold them longer than 24 hours without charge. For crimes involving firearms, explosives, or membership in an unlawful organization, a judge may extend detention for an additional 24 hours upon a police superintendent's request. The law permits detention without charge for up to seven days in cases involving suspicion of drug trafficking, although police must obtain a judge's approval to hold such a suspect longer than 48 hours.

Upon their arrest, the law permits detainees and prisoners prompt and unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one. The law allows detainees prompt access to family members.

The law requires that authorities bring a detainee before a district court judge "as soon as possible" to determine bail status pending a hearing. Bail is used; a court may refuse bail to a person charged with a crime that carries a penalty of five years' imprisonment or more or when continued detention is deemed necessary, to prevent the commission of another serious offense.

There were no amnesties during the year.

e. Denial of Fair Public Trial

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

Trial Procedures

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

The law provides “for special criminal courts,” where juries are not used, 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. Apart from trial-by-jury, defendants in the special courts enjoy all of the due process protections available to other defendants. Their trials are public.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The independent and impartial judicial system hears civil cases and appeals on civil matters, including damage claims resulting from human rights violations. Such claims may be brought before all appropriate courts, including the Supreme Court. Individuals could appeal decisions to the European Court of Human Rights.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The law provides for freedom of speech including for members of the press, and the government generally respected these rights in practice. An independent press,

an effective judiciary, and a functioning democratic political system act jointly to ensure freedom of speech and of the press.

Freedom of Speech: The constitution prohibits blasphemy. The nongovernmental organization (NGO) Reporters without Borders criticized a new law that entered into effect in January 2010 “updating” this long-held constitutional provision. The law defines blasphemy as publishing or uttering “matter that is grossly abusive or insulting in relation to matters held sacred by any religion, thereby causing outrage among a substantial number of the adherents of that religion.” The law permits defendants to argue “genuine literary, artistic, political, scientific, or academic value” as a defense. There has been only one prosecution for blasphemy since 1855.

Freedom of Press: The independent media were active and expressed a wide variety of views without restriction. The law proscribes words or behaviors that are likely to generate hatred against persons in the country or elsewhere because of their race, nationality, religion, national origins, or sexual orientation. The law empowers the government to prohibit the state-owned radio and television network from broadcasting any material “likely to promote or incite to crime or which would tend to undermine the authority of the state.” Authorities did not invoke these prohibitions during the year.

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

Internet Freedom

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

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 freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's International Religious Freedom Report at www.state.gov/j/drl/irf/rpt/index.htm.

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

The constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country's active asylum system provides process to refugees; those who receive a negative result can appeal the decision.

Safe Country of Origin/Transit: The country employs the Dublin Regulation that returns asylum applicants to a "safe country of origin." Provisions were made in exceptional cases.

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

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees and did so for approximately 100 persons during the year.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections and universal suffrage.

Elections and Political Participation

Recent Elections: Observers reported that the parliamentary and presidential elections were free and fair. Political parties could operate without restriction or outside interference.

Participation of Women and Minorities: There were 25 women in the 166-seat parliament (Dail Eireann) and 18 in the 60-seat senate (Seanad Eireann). The outgoing president of the republic was a woman, as were two of the 15 government ministers. There were two female candidates for the presidency. The chief justice of the Supreme Court, the director of public prosecutions, and the attorney general were women. There were no minorities in the lower house, the senate, or the cabinet.

Section 4. Official Corruption and Government Transparency

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

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

The law provides for public access to government information and requires government agencies to publish information on their activities and make such information available to citizens, noncitizens, and foreign media upon request. Authorities generally granted public information requests and did not charge prohibitive fees. There were mechanisms for appealing denials.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The government met with major local human rights NGOs and was responsive to them.

Government Human Rights Bodies: The Irish Human Rights Commission (IHRC) was established to promote and protect those rights of all persons living or present in Ireland. One of the IHRC's functions is to recommend to the government how human rights standards should be reflected in legislation, policy, and practice as well as carrying out inquiries surrounding human rights concerns. The country also has an ombudsman to regulate press matters.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions. Discrimination against racial and ethnic minorities, including immigrants and Travellers, remained a problem.

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government enforced it. During the year there were 458 rapes among the 1,937 sexual offenses reported to the authorities. The police and judicial authorities showed no reluctance to investigate and prosecute rape or sexual assaults, and most persons convicted received prison sentences of between five and 12 years. According to the most recent report by the director of public prosecutions, there were 131 prosecutions for sexual offenses in 2010, resulting in 60 convictions.

The law criminalizes domestic violence, but such violence continued to be a problem. The law authorizes prosecution of a violent family member and provides victims with safety orders that prohibit a person from engaging in violent actions or threats and orders that bar an offender from entering the family home for up to three years. Victims may apply for interim protection while courts process their

cases. Violations of these orders are punishable by a fine of up to 1,900 euros (\$2,470).

Sexual Harassment: The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Employment Equality Act 1998 obliges all employers to prevent sexual harassment at work. Sexual harassment is considered as such when committed by a fellow worker, boss, client, customer or any other business contact. Under the act, an employer may also be held responsible if sexual harassment takes place outside the place of employment but the victim is treated differently at work because of rejection or acceptance of the harassment. The country's Equality Authority is responsible for the preventing sexual harassment and is generally viewed as effective. However, the Equality Authority reported a 60 percent increase in allegations of suspected discrimination in 2010.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so, free from discrimination, coercion, and violence. Women had access to contraception and skilled attendance during childbirth. According to information compiled by international organizations, the maternal mortality rate in 2009 was approximately three deaths per 100,000 live births. The neonatal mortality rate was approximately four deaths per 1,000 live births. Women were not subject to coercive family planning. Men and women were diagnosed and treated equally for sexually transmitted infections. There were no legal barriers that prevented women from taking advantage of these services.

Discrimination: Women have the same legal rights as men, including rights under family law, property law, and in the judicial system. However, inequalities in pay and promotions persisted in both the public and private sectors. The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Equality Authority investigates claims of unfair dismissal and may require an employer to reinstate the employee or pay the employee up to 104 weeks' pay. Authorities effectively enforced the law in the cases of reported sexual harassment.

Children

Birth Registration: A person born after 2004 on the island of Ireland, including Northern Ireland, is automatically an Irish citizen if at least one parent is an Irish citizen, a British citizen, a resident of either the Republic of Ireland or Northern

Ireland entitled to reside in either without time limit, or a legal resident of the Republic of Ireland or Northern Ireland for three out of the four years preceding the child's birth (excluding time spent as a student or an asylum seeker). Births are registered immediately. Failure to register birth, and the corresponding lack of proof of citizenship, could lead to the denial of public services.

Child Abuse: The law proscribes any person from engaging or attempting to engage in a sexual act with a child under age 15; the maximum sentence is life imprisonment. The law also criminalizes engaging or attempting to engage in a sexual act with a child under 17. The maximum sentence in these cases is five years' imprisonment, but a maximum sentence of 10 years can be given if the accused is a person in authority, such as a parent or teacher.

On July 13, the Ministry of Justice's Commission of Investigation into the Roman Catholic Diocese of Cloyne published its report on the handling by church and state authorities of allegations against clerics of child sexual abuse from 1996 to 2009. The commission investigated 40 reports of clerical sexual abuse of minors in the Diocese of Cloyne involving 32 priests and found that the response of diocese authorities was gravely inadequate and did not adhere to the basic protections in place for minors articulated by the Irish bishops in the 1997 Framework Document or Irish civil and criminal law. The report criticized the Diocese of Cloyne for not reporting immediately credible allegations of clerical sexual abuse to civil authorities or in some cases not reporting them at all. It also criticized the Health Services Executive, which maintained that there was no need for further investigation even after credible evidence of the sexual abuse of minors came to its attention.

Sexual Exploitation of Children: A maximum penalty of life imprisonment may be imposed for child trafficking and taking a child for sexual exploitation. A person convicted of meeting a child for the purpose of sexual exploitation faces a maximum penalty of 14 years' imprisonment, and the law provides that a person convicted of allowing a child to be used for child pornography may be sentenced with a fine of up to 31,000 euros (\$40,300), up to 14 years' imprisonment, or both. The maximum penalty is 1,900 euros (\$2,470), a year's imprisonment, or both, for producing, distributing, printing, or publishing child pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

According to the 2006 census, the Jewish community numbered 1,930 persons. There were few reported acts of anti-Semitism during the year.

The Ireland Palestine Solidarity Campaign posted comments on the Israeli Embassy's Facebook page in November that called the Israeli government "fascist" and "genocidal." Subsequently, the campaign disrupted the Israeli Embassy-sponsored Israeli Film Days festival scheduled at the end of November by smashing windows and threatening the organizers. Responding to this, the deputy prime minister (who is also foreign minister) condemned acts of intimidation and offered to hold the festival in government buildings. He also attended and spoke at the opening of the festival. During the film festival, there were reports of protesters shouting anti-Israel and anti-Semitic comments; police officers removed approximately 50 protesters from the event.

In December, Ireland became a member of the International Task Force on Holocaust Education, Remembrance, and Research.

Trafficking in Persons

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental, disabilities in employment, education, access to health care, or the provision of other state services; the government effectively enforced these provisions. The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications. The National Disability Authority has responsibility for setting and implementing disability standards, as well as directing disability policy.

National/Racial/Ethnic Minorities

The law prohibits discrimination based on language or social status, and the government enforced the law. In spite of this, societal discrimination and violence against immigrants, and racial and ethnic minorities continued to be a problem.

There were racially motivated incidents involving physical violence, intimidation, graffiti, and verbal slurs, particularly against the country's African population. In one recent case, Darren Scully, the mayor of Naas, County Kildare, said during a radio interview that he would no longer meet with constituents of African origin. Scully was widely condemned for his statement and later apologized for his comments and resigned from his seat. NGOs reported problems with landlords refusing to rent property to persons who were not born in Ireland. NGOs reported that immigrants, particularly those of African descent, suffered unemployment disproportionately during the economic downturn.

According to the 2006 census, 22,369 persons identified themselves as members of an indigenous nomadic group called Travellers, with a distinct history and culture. Despite applicable antidiscrimination laws and longstanding government policies to redress imbalances, Travellers faced societal discrimination and occasionally were denied access to education, employment, premises, facilities, and basic services. However, Travellers also received substantial funding from the government, particularly for education and housing.

The law obliges local officials to develop accommodations for Travellers and to solicit Traveller input into the process. Traveller NGOs asserted that many communities provided Travellers with housing that was inconsistent with the nomadic Traveller lifestyle, or provided transient caravan-camping sites that did not include basic amenities such as sanitary facilities, electricity, and water.

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

A large number of cities and towns celebrated lesbian, gay, bisexual, and transgender pride events with parades and festivals. The government endorsed these activities and provided sufficient protection.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS or against other groups not covered above.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the right to form and join independent unions, conduct legal strikes, and bargain collectively, and these rights were respected in practice. The law prohibits anti-union discrimination and provides for reinstatement for workers fired for union activity. Police and military personnel may form associations, but technically not unions, to represent them in matters of pay, working conditions, and general welfare.

The law allows unions to conduct their activities without government interference, and this right was exercised in practice. The law provides for the right to strike, except for police and military personnel, and workers exercised this right in both the public and private sectors. Labor unions have the right to pursue collective bargaining and in most instances did so freely; however, the law did not require employers to engage in collective bargaining, and they did not encourage it. There were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that of children, although there were reports that such practices occurred. NGOs alleged that men and women were subjected to forced labor within the country in construction, commercial fishing, as domestic servants in private homes, and in agriculture. Women and girls were subjected to sex trafficking; there were reports of children subjected to forced begging and forced labor in restaurants and domestic service. There were reports of children subjected to commercial sexual exploitation, forced begging, and forced labor in restaurants and domestic service.

To combat and increase awareness of labor trafficking, the government cooperated with the International Labor Organization in its antitrafficking initiative and formed a labor-exploitation working group with participants representing trade unions and employer organizations.

See the Department of State's Trafficking in Persons Report at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children under age 16 in full-time jobs. However, employers may hire children ages 14 or 15 for light work on school holidays as part of an approved work experience or educational program. Employers may hire children over age 15 on a part-time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the

employment of 18-year-olds for late night work, and requires employers to keep detailed records of workers under age 18. The Office of the Labor Inspectorate at the Department of Enterprise, Trade, and Employment is responsible for enforcement and was generally effective.

The government implemented laws and policies to protect children from exploitation in the workplace, and these laws were effectively enforced.

d. Acceptable Conditions of Work

The national minimum hourly wage was 8.65 euros (\$11.20). Approximately 6 percent of the population is below the poverty level for a family in Ireland; the official poverty rate was 10,831 euros (\$14,080) a year. During the year reports persisted that the pay of foreign migrant workers was at times below the minimum wage, particularly in the rural agricultural and construction sectors. Laws establishing and regulating wage levels do not explicitly cover foreign migrant workers. The standard workweek is 39 hours. The law limits industrial sector to nine hours per day and 48 hours per week. The law limits overtime work to two hours per day, 12 hours per week, and 240 hours per year. The government effectively enforced these standards. Although there is no statutory entitlement, premium pay for overtime could be arranged between employer and employee.

The gray or informal market for labor is small. While largely undocumented and not reported, the agriculture and services sectors have historically had the most informal labor representation. However, recent reports indicated that the underground economy, which encompassed everything from narcotics to cash-only employment, may be growing as the country deals with a prolonged economic slump.

The government operated an agency independent of the Department of Enterprise, Trade, and Employment that monitored employment practices. The agency was active and effective. The National Employment Rights Authority has a staff of 112, including 57 labor inspectors and nine inspector-team managers.

The Department of Enterprise, Trade, and Employment is responsible for enforcing occupational safety laws, and these laws provided adequate and comprehensive protection. There were no complaints from either labor or management during the year regarding shortcomings in enforcement. Regulations provide workers with the right to remove themselves from dangerous work situations that present a

“serious, imminent, and unavoidable risk” without jeopardy to their continued employment, and authorities effectively enforced this right.