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USDOS – US Department of State (Author)

2023 Country Report on Human Rights Practices: Ireland

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Ireland during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

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, AND OTHER RELATED ABUSES

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

Prison and Detention Center Conditions

Most prison conditions met international standards, but some failed to meet prisoners' basic hygiene needs.

Abusive Physical Conditions: As of October 2, prisons overall held 2 percent more inmates than the official capacity of the system. In July 2022 the UN Human Rights Committee review of the country under the International Covenant on Civil and Political Rights (ICCPR) expressed concerns of overcrowding and recommended the country separate detainees and convicted prisoners.

In July the Prison Service reported that eight prisoners (of a total prison population of 4,593) in one prison were subject to "slopping out," a process in which prisoners had to use chamber pots due to a lack of sanitary facilities. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted a continuing decrease in the number of prisoners subject to "slopping out" since 2014 and emphasized the practice was "degrading not only for the persons using the chamber pot but also for the persons with whom the prisoner shares a cell and also debasing for the prison officers who have to supervise the slopping-out procedure." A substantial number (51 percent in April) of prisoners were required to use the toilet in the presence of another prisoner. The Irish Penal Reform Trust criticized the practice as "inhumane and degrading."

As of April, authorities subjected 776 prisoners to a restricted regime (out of an average of 4,586 in prison that month) where a prisoner was confined to a cell for a minimum of 19 hours.

Administration: The Office of the Inspector of Prisons, an independent statutory body, had oversight of the complaints system. Prisoners could submit complaints regarding their treatment to the prison service, but they did not have access to a fully independent complaints mechanism. The Office of the Inspector of Prisons described the prison complaints system as inadequate, unreliable, and "not fit for purpose." The 2020 CPT report noted that "complaints relating to staff abuse are not always investigated in a timely fashion, with investigators often only initiating the investigation three or more months after a complaint is made. Further, prisoners receive no feedback on their complaints and several prisoners alleged that they were subjected to bullying by prison officers after they had submitted a complaint. Many prisoners consider, with some justification, that it is not worth making a complaint. As a result, a situation of impunity could emerge within prisons of officers not being held to account for their actions."

Independent Monitoring: The Office of the Inspector of Prisons inspected all 12 prisons in the country from 2020-2023 and publicly released its reports. The government cooperated with international monitoring

bodies, such as the CPT, and permitted visits and monitoring by independent human rights observers.

D. ARBITRARY ARREST OR DETENTION

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

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 provided the right to a prompt judicial determination of the legality of a detention, and authorities respected this right. Authorities were required to inform detainees promptly of the charges against them and, with few exceptions, could not hold them longer than 24 hours without charge. For crimes involving firearms, explosives, or membership in an unlawful organization, a judge could extend detention for an additional 24 hours upon a police superintendent's request. The law permitted detention without charge for up to seven days in cases involving suspicion of drug trafficking, although police were required to obtain a judge's approval to hold such a suspect longer than 48 hours. The law required authorities to bring a detainee before a district court judge "as soon as possible" to determine bail status pending a hearing. A court could 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 permitted detainees, upon arrest, to have access to attorneys. The court appointed an attorney at public expense if a detainee did not have one. The law allowed detainees prompt access to family members.

E. DENIAL OF FAIR PUBLIC TRIAL

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

Trial Procedures

The law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

The law provided for two nonjury Special Criminal Courts when the director of public prosecutions certified a case, such as terrorist, paramilitary group, or criminal gang offenses, 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, heard such cases. They reached their verdicts by majority vote. The Irish Council for Civil Liberties, Amnesty International, and the UN Human Rights Council

expressed concern that the Special Criminal Court standard for admissibility of evidence was too low and that there was no appeal against a prosecuting authority's decision to send a case to the special court. In 2022 there were seven trials involving nine defendants in the Special Criminal Court. Most of the cases involved membership in an illegal organization or possession of firearms or explosives.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

The country endorsed the 2009 Terezin Declaration on Holocaust Era Assets and Related Issues. No immovable property was confiscated from Jews or other targeted groups in the country during World War II, either by the government or Nazi Germany. According to the country's delegation to the International Holocaust Remembrance Alliance, the country experienced only two cases in which allegations concerning provenance of artworks were made, and therefore it did not enact formal implementation mechanisms for restitution of potentially Nazi-looted art in this regard.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

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

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Freedom of Expression: The law prohibited words or behaviors likely to generate hatred against persons because of their race, nationality, religion, ethnicity, national origins, or sexual orientation.

The law placed a duty on broadcasters not to broadcast any material which could reasonably be regarded as causing harm or offense, or as being likely to promote or incite crime or which undermines the authority of the state.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. Consistent with an EU directive, the government required telecommunication companies to retain information on all telephone and internet contacts (not content) for two years.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The constitution provided for the freedom 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 <https://www.state.gov/religiousfreedomreport/>

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

E. PROTECTION OF REFUGEES

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 or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of refugee or subsidiary protection status, and the government had a system for providing protection to refugees. Asylum seekers whose initial applications were rejected could appeal the decision. Asylum seekers had access to legal advice.

Nongovernmental organizations (NGOs) expressed concern over the length and complexity of the application and appeal processes. In 2022 the average length of stay in "direct provision" was 24 months, unchanged from the previous year. Direct provision was a system that included

housing, meals, a weekly cash allowance, access to health care, and education for children.

Despite gaps in its victims of trafficking National Referral Mechanism that excluded asylum seekers, in 2022, the government reported identifying 15 trafficking victims in the asylum system; victims were referred either by a government-funded NGO, Health Services Executive, or through government offices responsible for reviewing asylum applications and government-funded accommodations.

Employment: An individual seeking asylum could access the labor market six months after applying for international protection.

Access to Basic Services: Authorities employed a system called “direct provision” for asylum seekers. Direct provision facilities operated at capacity, which required the government to house asylum seekers in emergency accommodations in hotels. NGO representatives said the government’s overreliance on emergency accommodations led to serious difficulties for asylum seekers to access basic services, including health care and education.

Durable Solutions: The government operated a resettlement program to accommodate up to 200 persons referred by the UNHCR or identified through selection missions to UNHCR refugee operations. Under the Irish Refugee Protection Program, the government committed to accepting 4,000 refugees, including 2,622 via the EU relocation program. From the inception of the program through September, a total of 3,413 persons arrived in the country.

In addition, as of October 10, there were approximately 96,000 Ukrainians registered in the country under the Temporary Protection Directive. The Department of Justice, the Department of Social Protection, Health Service Executive, and International Organization for Migration provided services to new arrivals. The government provided temporary protection to more than 93,000 beneficiaries as of October 10.

Section 3.

Freedom to Participate in the Political Process

The constitution provided 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

Abuses or Irregularities in Recent Elections: Observers from the Organization for Security and Cooperation in Europe reported presidential elections in 2018 and 2020 parliamentary elections were fair and free of abuses and irregularities.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of central government corruption.

Corruption: There were isolated reports of low-level government corruption.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials often were cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The law obliged public bodies to take account of human rights and equality in the course of their work. The Irish Human Rights and Equality Commission, an independent government organization, monitored adherence of public bodies to legal obligations. The commission was active throughout the year, holding consultations, training sessions, briefings, and policy reviews on human rights issues.

The human rights subcommittee of the parliamentary Committee on Justice examined how issues, themes, and proposals before parliament took human rights concerns into account.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law criminalized rape of a person, regardless of gender, including spousal rape. The government enforced the law. Most convicted persons received prison sentences of five to 12 years. The law also criminalized domestic violence, including coercive control. It authorized prosecution of a violent family member and provided survivors with "safety orders," which prohibited the offender from engaging in violent actions or threats, and "barring orders" (restraining orders), which prohibited an offender from entering the

family home for up to three years. Anyone found guilty of violating a barring or interim protection order could receive a fine, a prison sentence of up to 12 months, or both.

Discrimination: The law provided for the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing business or property. The government enforced the law effectively, although inequalities in pay and promotions persisted in both the public and private sectors. Travellers (a traditionally itinerant minority ethnic group), Roma, and migrant women had low levels of participation in political and public life.

The constitution stated that “by her life within the home, a woman gives to the State a support without which the common good cannot be achieved” and that “the State shall, therefore, endeavor to ensure that mothers shall not be obliged by economic necessity to engage in labor to the neglect of their duties in the home.” The law banned discrimination based on sex, and specifically required equal pay for equal work or work of equal value. Nevertheless, women faced inequalities in pay and promotions in both the public and private sectors.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. There were no reports of vulnerable populations experiencing difficulties accessing medical treatment affecting reproductive health. Capable adults were required to consent to all medical treatments, including those that arise from vulnerable populations. The government provided access to sexual and reproductive health services, including the provision of contraception and abortion, for survivors of sexual violence. Postexposure prophylaxis was available as part of clinical management of rape.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The law prohibited discrimination in the provision of goods and services, accommodation, and education on grounds of race, religion, or membership in the Traveller community. The government enforced the law effectively.

Societal discrimination and violence against immigrants and racial, ethnic, and religious minorities were a problem. The country’s African and Muslim communities in particular experienced racially and religiously motivated physical violence, intimidation, graffiti, and verbal slurs.

The law obliged local officials to develop suitable accommodation sites for Travellers and to solicit input from the Travellers. According to the Human

Rights and Equality Commission, Travellers were 22 times more likely than other respondents to report discrimination in access to housing. The Traveller community reported higher than average levels of homelessness and unemployment, and poor access to health care and educational services.

In 2022 the Irish Penal Reform Trust published a report on the rights of foreign national and minority ethnic groups in the country's penal system. The report found that at times foreign nationals received longer sentences than local citizens for controlled drug offenses and sexual offenses; foreign nationals and minority ethnic persons in prison faced significant problems that had the effect of limiting trust with any part of the penal system.

CHILDREN

Child Abuse: The law criminalized physical and psychological abuse and engaging in, or attempting to engage in, a sexual act with juveniles. The government enforced the law effectively. For victims ages 15 to 16, the maximum sentence was seven years in prison, which could increase to 15 years if the accused was a person in authority, such as a parent or teacher. For victims younger than age 15, the maximum sentence was 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.

Child, Early, and Forced Marriage: The legal minimum age for marriage was 18, including for citizens who married abroad. Forced marriage was illegal and punishable by a fine, up to seven years' imprisonment, or both. The government enforced the law effectively.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or using children for commercial exploitation, including sex trafficking. The law prohibited child pornography, and authorities enforced the law. Trafficking of children and taking a child from home for sexual exploitation carried a maximum penalty of life imprisonment. A person convicted of meeting a child for the purpose of sexual exploitation faced a maximum penalty of 14 years' imprisonment. The law included offenses relating to child sexual grooming and child pornography. The minimum age for consensual sex was 17. Authorities enforced the law.

The law provided for a fine, 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 was a fine, 12 months' imprisonment, or both.

Some gaps in trafficking victim identification remained. In 2022 there were five identified child trafficking victims. The national rapporteur, the Irish Human Rights and Equality Commission, highlighted the lack of identified children could be a result of insufficient expertise among social workers regarding the identification of child trafficking victims.

ANTISEMITISM

According to the 2022 census, the Jewish community numbered approximately 2,700 persons. There were no reports of antisemitic violence or vandalism. There were sporadic reports of high-profile members of the Jewish community being harassed on social media. Alan Shatter, former Minister for Justice, was targeted on X (formerly Twitter) due to his outspoken views on Israel and his Jewish heritage. Authorities enforced the law when violations were reported.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: The law did not criminalize consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors.

Violence and Harassment: There were reports of isolated instances of violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The government enforced the law when instances were reported.

Discrimination: The law prohibited discrimination in employment, goods, services, and education by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The law recognized LGBTQI+ individuals, couples, and their families and granted them rights equal to rights of other persons. The law did not include gender identity as an explicit category, but courts interpreted the law as prohibiting discrimination against transgender persons. The government generally enforced the law when instances of discrimination were reported.

Availability of Legal Gender Recognition: Persons older than 18 could update their legal gender marker through a simple administrative process of self-determination.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of so-called conversion therapy practiced on adults or children.

The LGBTI+ National Youth Strategy 2023-2027 provided for the prohibition of “the promotion or practice of conversion therapy by health professionals in Ireland” and the *National LGBTI+ Inclusion Strategy 2023-2027* committed to ensuring that the practice of so-called conversion therapy in the country was investigated and followed up with appropriate counter measures. Government-commissioned research into conversion therapy in the country was published on February 17. It captured the experiences of persons who were subjected to conversion therapy, and an examination of international research literature in the area.

There were no reports of medically unnecessary and irreversible “normalization” surgeries performed on children or nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

PERSONS WITH DISABILITIES

The law required that persons with physical, sensory, intellectual, or mental disabilities have access to education, health services, public buildings, and transportation on an equal basis. Government information and communication on disability issues were required to be provided in accessible formats. The government effectively enforced these provisions and implemented programs to ensure that persons with disabilities had full access to education, health services, transportation, buildings, information, and communications. The law prohibited discrimination on the basis of disability; however, persons with disabilities faced some discrimination in employment and occupation.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The constitution provided for the rights of workers to form and join independent unions and bargain collectively. The law provided for the right to strike in both the public and private sectors, except for police and military personnel and postal and utility workers. The law prohibited antiunion discrimination and provided for reinstatement of workers fired for union activity. The law provided a mechanism for the registration of employment agreements between employers and trade unions governing wages and employment conditions.

The law did not require employers to engage in collective bargaining. Police and military personnel could form associations (technically not unions) to represent them in matters of pay, working conditions, and general welfare. The Industrial Relations Acts provided a governmental dispute resolution mechanism in some circumstances where an employer refused any engagement with worker representatives.

Labor unions had the right to pursue collective bargaining and did so freely, with employers' cooperation in most cases. Sector-wide collective bargaining agreements were not legally binding. While workers were constitutionally protected in forming trade unions, employers were not legally obliged to recognize unions or to negotiate with them. The functions of the Workplace Relations Commission (WRC), an independent statutory body, included the promotion and maintenance of good workplace relations. In addition, the WRC was responsible for achieving compliance with relevant employment legislation. The Labor Court was the court of last resort in industrial relations disputes and the sole appellate body in employment rights cases.

There was no right to take industrial action but there were legal protections for certain workers who did this by, for example, going on strike. Where notice of a strike or any other form of industrial action was being served on an employer, a minimum of seven days' notice applied. Sympathy and political strikes or strikes against an organization that was not the direct employer were not lawful.

The government effectively enforced the law. Penalties were commensurate with those for analogous crimes, and inspection was adequate to enforce compliance. Penalties were regularly applied against violators.

There were no reports of violations of the law protecting the right to freedom of association. The country allocated adequate resources to provide oversight of labor relations. The Labor Court generally processed cases with a minimum of delay. Workers freely exercised their labor 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.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibited the worst forms of child labor and employment of children younger than age 16 in full-time jobs. Employers could hire

children as young as age 14 for light work on school holidays as part of an approved work experience or educational program. Employers could hire children older than 15 on a part-time basis during the school year. The law established rest intervals and maximum working hours, prohibited the employment of children 18 and younger for most late-night work, and required employers to keep detailed records of workers younger than 18. Seafarers ages 16 or 17 could be required to work at night if the work was not detrimental to their health or well-being.

The law identified hazardous occupations and occupational safety and health restrictions for workers younger than 18. Employers were required to verify there was no significant risk to the safety and health of young persons and consider the increased risk arising from the lack of maturity and experience in identifying risks to their workers' safety and health. The law stipulated that exposure to physical, biological, and chemical agents or certain processes be avoided and provided a nonexhaustive list of agents, processes, and types of work from which anyone younger than 18 could require protection.

The government effectively enforced applicable laws and received no reports of illegal child labor. The WRC was responsible for enforcement, and it was effective, with adequate resources and investigative and enforcement powers. Penalties were commensurate with those for analogous crimes. Penalties were regularly applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The national minimum hourly wage was established by law and exceeded the unofficial poverty line. Laws establishing and regulating wage levels covered migrant workers. The law limited the workweek to 48 hours and limits overtime work to two hours per day, 12 hours per week, and 240 hours per year. The government effectively enforced these standards. There was no statutory entitlement to premium pay for overtime.

All sectors of the economy respected minimum wage and hours of work standards.

Occupational Safety and Health: The government set appropriate occupational safety and health (OSH) standards for all industries, many of which were derived from EU directives and regulations. By law an employer could not penalize, through dismissal, other disciplinary action, or less favorable treatment, employees who lodged a complaint or exercised their rights under health and safety legislation. The government proactively identified unsafe conditions. Employers had an obligation to

protect an employee's safety, health, and welfare at work as far as was reasonably practicable. All sectors of the economy generally respected OSH standards, although there were isolated reports of violations in the offshore fishing and construction sectors.

Wage, Hour, and OSH Enforcement: The WRC secured compliance with wage and hour legislation through inspection and dispute resolution. The WRC's Inspection Services had the authority to carry out employment rights compliance inspections. The Department of Enterprise, Trade, and Employment was responsible for enforcing OSH laws, and inspectors were authorized to make unannounced visits and initiate sanctions.

Depending on the seriousness of the violation, courts could impose fines, prison sentences, or both, for violating the law. The government effectively enforced minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar crimes. Penalties were regularly applied against violators. No complaints from either labor or management were filed during the year regarding shortcomings in enforcement. In 2022, the WRC carried out 5,820 inspections. The number of inspectors was sufficient to enforce compliance. Inspectors had the authority to make unannounced inspections.

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