



2020 Country Reports on Human Rights Practices: Ireland

Ireland is a multiparty parliamentary democracy with a directly elected president, an executive branch headed by a prime minister, and a bicameral parliament. The country held free and fair parliamentary elections in February and a presidential election in 2018.

An Garda Siochana (or Garda) is the national police force and maintains internal security under the auspices of the Department of Justice. The defense forces are responsible for external security under the supervision of the Department of Defense; they are also authorized to perform certain domestic security responsibilities in support of the Garda. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

There were reports of human rights abuses due to impunity for human traffickers.

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.

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 August 30, prisons overall held fewer inmates than the official capacity of the system, although five facilities exceeded capacity. One women's prison operated at capacity.

At times authorities held detainees awaiting trial and detained immigrants in the same facilities as convicts.

The Prison Service reported the increased use of restricted regimes was to address the risk presented by COVID-19. The Prison Service said it was guided by the advice of national public health experts and took measures consistent with prison-specific guidance of the World Health Organization.

The Mental Health Commission, an independent government-funded body, and other 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 Office of the Inspector of Prisons, an independent statutory body, has oversight of the complaints system. Prisoners can submit complaints about their treatment to the prison service.

Independent Monitoring: The Office of the Inspector of Prisons published its Framework for the Inspection of Prisons in Ireland on September 15; however, no prison inspection report has been published since 2014. Nongovernmental organizations (NGOs), including the Irish Penal Reform Trust, reported that the office does not have adequate resources to fulfill its statutory responsibility.

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

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 or her arrest or detention in court, and the government generally observed these requirements.

Leave to land denials at ports of entry: no appeals procedure/ transparency. The 2004 Immigration Act gives officials a wide discretion to refuse permission to enter, s.4 (3) (k). Challenge is to High Court, which is costly and difficult without counsel, person challenging can be detained throughout. See case of Estefany Gonzalez last year:

<https://www.irishtimes.com/news/crime-and-law/chilean-student-happy-to-be-free-after-being-detained-for-nearly-two-weeks-in-mountjoy-1.4304547>

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, upon arrest, to have access to attorneys. The court appoints an attorney at public expense 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 granted a fair, timely, and public trial except in certain cases; and to be present at their trial. Defendants have the right to an attorney of their choice or one provided at public expense. Defendants have the right to adequate time and facilities to prepare a defense and free assistance of an interpreter. They can confront witnesses and present their own testimony and evidence. They have the right not to be compelled to testify or confess guilt. There is a right to appeal.

During the year a new law provided for the filing of applications in criminal proceedings and the introduction of evidence using live video link, as well as remote hearing of some proceedings in the Court of Appeal and Supreme Court. Proceedings requiring the presence of a jury were delayed until 2021 due to COVID-19.

The law provides for two nonjury Special Criminal Courts when the director of public prosecutions certifies 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, hears such cases. They reach 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 2019 there were eight trials 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.

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 after they have exhausted all available legal remedies in the national legal system.

MRCI Comment on procedures and remedies:

The Workplace Relations Commission, the tribunals set up to hear these cases, denies jurisdiction over claims brought by undocumented workers for breaches employment law, citing 'illegal contract' of employment. Instead, under Employment Permits (Amendment) Act 2014, these workers can only pursue moneys owed to District Court. Accessing courts is a cost prohibitive and a complex process. This normalizes the exploitation of undocumented workers.

Legal aid does not exist for employment cases (and many other areas e.g. social welfare).

PROPERTY RESTITUTION

The country signed 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 were made, and therefore did not enact formal implementation mechanisms in this regard. The government's policy is to monitor these issues as they evolve in the future and to proceed on a case-by-case basis.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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 this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: The law prohibits words or behaviors likely to generate hatred against persons because of their race, nationality, religion, ethnicity, national origins, or sexual orientation. As a result of a referendum to remove blasphemy from the constitution in 2018, the Blasphemy (Abolition of Offenses and Related Matters) Act 2020 was signed into law on January 16.

Freedom of Press and Media Freedom, Including Online Media: 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.

INTERNET FREEDOM

The government did not restrict or disrupt access to the internet or censor online content, and there were no 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.

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 <https://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.

E. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS

Not applicable.

F. 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, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for granting refugee or subsidiary protection 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 continued to express concern over the length and complexity of the application and appeal processes. In 2019 the average length of stay in “direct provision” was 22 months. Direct provision is a system that includes housing, meals, a weekly cash allowance, access to health care, and education for children.

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. As of August the government received 72 asylum seekers who were rescued in the Mediterranean Sea.

Employment: An individual seeking asylum can access the labor market nine months after submitting an application for international protection. As of September 16, the government received 7,328 applications for labor market access. Of these, 1,811 were refused and 5,322 granted, with 195 pending.

Access to Basic Services: The country employs a system called “direct provision” for asylum seekers. As of July, 77 percent of asylum seekers remained in the government-run support system for less than three years, almost the same as the previous year. The Irish Refugee Council, the national ombudsman, and the UNHCR expressed concern over the detrimental effects of long stays in direct provision accommodation. In 2018 the direct provision facilities reached capacity, which required the government to house asylum seekers in emergency accommodations in hotels around the country. As of September, 1,204 individuals were in emergency accommodation, including 240 children. 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 3,358 persons arrived in the country. The government provided a postarrival cultural orientation program and civics and language courses.

Temporary Protection: The government provided temporary protection (subsidiary protection) to some individuals who may not qualify as refugees and granted such protection to 161 persons in 2019. Such individuals were entitled to temporary residence permits, travel documents, access to employment, health care, and housing. The government did not make determinations on subsidiary protection status at the same time as determining asylum status. This caused delays, as a separate determination on subsidiary protection 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 from the Organization for Security and Cooperation in Europe reported that the presidential elections in 2018 and the February parliamentary elections were free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Women accounted for 31 percent of national legislature candidates, and occupied 27 percent of elected seats in the national legislature and 24 percent of elected seats in local legislatures. The law reduces government funding to political parties unless 30 percent of their candidates during general elections are women. Former taoiseach (prime minister) and current Tanaiste (Deputy Prime Minister) Leo Varadkar was the only self-identified ethnic minority member of the Dail (Irish Parliament). According to an investigation by the Irish Independent newspaper in

November, politicians identifying as ethnic or sexual minorities received a disproportionate amount of online abuse.

Section 4. Corruption and Lack of Transparency in Government

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

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

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 or civil partner and any child that could materially influence the person in the performance of official functions. The commission verifies the disclosures and makes public the financial disclosures of elected officials. There are criminal and administrative sanctions for noncompliance. There were no reports of 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. 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.

There is a human rights subcommittee of the parliamentary Committee on Justice, Defense, and Equality. It examines how issues, themes, and proposals before parliament take human rights concerns into account.

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

WOMEN

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and does not make a distinction between men and women. The government enforced the law. Most convicted persons received prison sentences of five to 12 years. The law also criminalizes domestic violence. It authorizes prosecution of a violent family member and provides victims with “safety orders,” which prohibit the offender 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, a prison sentence of up to 12 months, 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 they received reports of sexual harassment. 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).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides that women and men have the same legal status and rights. 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 have low levels of participation in political and public life.

CHILDREN

Birth Registration: A person born after 2004 on the island of Ireland (including Northern Ireland) is automatically a citizen if 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 physical and psychological abuse and engaging in, or attempting to engage in, a sexual act with a child younger than age 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 age 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.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, including for citizens who marry abroad. Forced marriage is illegal and is punishable by a fine, up to seven years imprisonment, or both.

Sexual Exploitation of Children: The law prohibits the sexual exploitation of children and child pornography, and authorities enforced the law. 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 law includes offenses relating to child sexual grooming and child pornography. The minimum age for consensual sex is 17.

The law provides 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 is a fine, 12 months' imprisonment, or both.

International Child Abductions: The country is 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

MRCI Comment on children:

Undocumented children cannot access any kind of ‘settled status’, e.g. as is the case in Britain which presumes these children settled in Britain after 7 years. Those undocumented children who are born in Ireland have no rights to residency, despite being born in the State or having spent their formative years in primary and secondary education in Ireland. There are no formal procedures to retrospectively address the situation of children with an irregular migration status. Equally, no provisions have been made for children who may be born to undocumented parents in the future.

Under the Child First Act, all children living in Ireland, whether born here or not, are treated equally and afforded the same rights, it was amended in 2015 to reflect this. However it is not always the case, e.g. undocumented children do not have access to Child Benefit payment, due to the Habitual Residence Condition. Without access to this intended universal payment, this perpetuates cycles of poverty and inequality in undocumented communities.

Undocumented parents in some cases do not register the birth of their child due to fear and lack of ‘firewall’ between departments to protect people’s data from being shared with immigration. Undocumented children in the care of the state require a specific set of supports, primarily to have their immigration status rectified before turning 18, when state support is removed. To date the State has not implemented any of the recommendations set out by the Committee on the Rights of the Child in their Concluding Observations for Ireland in 2016.

ANTI-SEMITISM

According to the 2016 census, the Jewish community numbered approximately 2,600 persons. There were no reports of violent anti-Semitic acts. There were sporadic reports of high profile members of the Jewish community being harassed on social media.

TRAFFICKING IN PERSONS

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

RE. compensation for trafficking victims (also addressed under ‘forced labor’ later), some victims of trafficking are disadvantaged when seeking redress from traffickers. The Workplace Relations Commission, the tribunals set up to hear these cases, denies jurisdiction over claims brought by undocumented workers for breaches employment law, citing ‘illegal contract’ of employment. Many trafficking victims are undocumented.

Instead, under Employment Permits (Amendment) Act 2014, these workers can only pursue moneys owed to District Court. Accessing courts is a cost prohibitive and a complex process.

There is no legal aid for employment cases. This helps to normalize the severe exploitation – even trafficking – of undocumented workers.

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 ensure that persons with disabilities had full access to buildings, information, and communications. In 2017 the government adopted a National Disability Inclusion Strategy for 2017-21.

MEMBERS OF NATIONAL/RACIAL/ETHNIC MINORITY GROUPS

Societal discrimination and violence against immigrants and racial, ethnic, and religious minorities remained a problem. The country's African population and Muslim community in particular experienced racially and religiously motivated physical violence, intimidation, graffiti, verbal slurs, and attacks against mosques.

The law obliges 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 healthcare and educational services.

In 2016, the most recent report available, 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. In 2018 the government convened a Traveller Accommodation Expert Group to conduct a review of Traveller housing support. The group published its findings in July 2019, and identified gaps between the government's plans and its implementation.

ACTS OF VIOLENCE, DISCRIMINATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

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

Civil liberties and civil society organizations reported the law does not include specific provisions on hate crimes or bias-motivated violence, and does not consider prejudice as an aggravating factor when sentencing criminals, but judges can take hate into account as an aggravating factor at sentencing.

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 and bargain collectively. The law provides for the right to strike in both the public and private sectors, except for police and military personnel. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. The law provides 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.

Labor unions have the right to pursue collective bargaining and 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 effectively enforced the law. Penalties were commensurate with those for similar violations, and inspection was adequate to enforce compliance. 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 is a court of last resort for trade unions and employers, and 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

The law prohibits all forms of forced or compulsory labor. The government did not consistently enforce the law; there were no prosecutions during the year.

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 commensurate with those for similar serious crimes. The government identified 42 suspected victims of trafficking in 2019, but has not convicted anyone for human trafficking since the law was amended in 2013, which weakened deterrence, contributed to impunity for traffickers, and undermined efforts to encourage victims to testify. NGOs, including the Migrant Rights Center of Ireland and the Immigrant Council of Ireland, 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. The Romani community and undocumented migrant workers were high-risk groups susceptible to human trafficking.

The law did not provide restitution to victims for the crime of trafficking, but victims of forced or compulsory labor could obtain restitution for lost wages through a criminal trial, a civil suit, state bodies dealing specifically with work-related rights, or the criminal injuries compensation tribunal. Trade unions and NGOs, including the Migrant Rights Center and the Immigrant

Council, contended that the government needed to do more to identify and support victims and prosecute employers.

Some NGOs asserted that foreign national sea fishers outside of the European Economic Area were at risk of forced labor because the government did not adequately identify victims or advise victims to adjust their residency status as they no longer qualified for residence permits as trafficking victims.

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

MRCI comment:

Trafficking victims who were undocumented when trafficked, face major barriers when seeking redress for breaches of employment law. The Workplace Relations Commission, the tribunals set up to hear these cases, denies jurisdiction over claims brought by undocumented workers for breaches employment law, citing 'illegal contract' of employment. Many trafficking victims were undocumented at the time they were trafficked. Instead, under Employment Permits (Amendment) Act 2014, these workers can only pursue moneys owed at the District Court. Accessing courts is a cost prohibitive and a complex process and there is no legal aid for employment matters. This is a further barrier to the compensation of victims of trafficking.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

The law prohibits the worst forms of child labor and employment of children younger than age 16 in full-time jobs. Employers may hire children as young as age 14 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 most late-night work, and requires employers to keep detailed records of workers younger than 18. Seafarers ages 16 or 17 may be required to work at night if the work is not detrimental to their health or well-being.

The law identifies hazardous occupations and occupational safety and health restrictions for workers younger than 18. 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 workers' 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 younger than 18 may require protection.

The government effectively enforced applicable laws, and no reports of illegal child labor were received. 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 subject to penalties that were commensurate with those for similar crimes.

D. DISCRIMINATION WITH RESPECT TO EMPLOYMENT AND OCCUPATION

The law bans discrimination in a wide range of employment-related areas. It defines discrimination as treating one person in a less favorable way than another person based on color and race, creed, origin, language, sex, civil or family status, sexual orientation, age, religion, disability, medical condition, or membership in the Traveller community (also see section 6). The law specifically requires equal pay for equal work or work of equal value. The law provides the same legal protections to members of the lesbian, gay, bisexual, transgender, and intersex community; divorcees; single parents working in state-owned or state-funded schools; and hospitals operating under religious patronage.

The government effectively enforced applicable laws, and penalties were commensurate with those for similar violations.

MRCI comment:

Employment permits system

Ireland operates a work permit system for non-EU/EEA workers. The Employment Permit system has created a multi-tiered system with different sets of rights and entitlements. The *Critical Skills Permit* gives immediate family reunification rights and access to the labour market after two years without the need for a permit. Spouses of *Critical Skills Permit* holders are given full access to the labour market, while a worker on a *General Employment Permit* is tied to an employer for five years, must wait for a year to apply for their dependents and

spouses. In addition, those spouses or dependents are only given dependent status and must apply for a *General Employment Permit* to access the labour market, which is subject to a limited list of job categories.

To change employers, workers have to go through complex administrative procedures which involve undertaking a Labour Market Needs Test, a minimum salary threshold and an ineligibility for certain sectors of employment. This complex process of changing employers puts non-EU/EEA workers at great risk of falling out of the immigration system and at risk of poor working conditions and exploitation. MRCI finds that many migrant workers accept poor conditions of employment for fear of losing their immigration status. This unequal relationship often results in breaches in employment law, non-compliance and exploitation. Non-EU/EEA workers are clearly in a more vulnerable position in comparison to other workers, and unscrupulous employers can use this to their advantage.

Dependency on one employer for their immigration status which often leads to an abuse of power and exploitation. Currently if an employment permit holder leaves employment due to a dispute or exploitation the worker is not allowed to work for a new employer until a new application is made and a new permit issued. Thus, due to fear of losing their job, workers tend to endure the exploitative situation and not seek redress.

This is compounded if the permission to remain is near-expiration. With little time to look for a new employer, workers find themselves without legal status. Whilst a *Reactivation Permit* exists to allow any person who loses their work permit through no fault of their own (e.g. as a result of exploitation, deception or fraud) an avenue to get back into the system, this should be a mechanism of last resort.

E. ACCEPTABLE CONDITIONS OF WORK

The national minimum hourly wage exceeds the unofficial poverty line. Laws establishing and regulating wage levels cover migrant workers. The law limits 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, and passed measures to support incomes and extend unemployment benefits until April 2021 in response to COVID-19. Although there is no statutory entitlement to premium pay for overtime, the employer and employee may arrange it.

The government sets appropriate occupational health and safety standards. The Department of Enterprise, Trade, and Employment is responsible for enforcing occupational safety laws, and inspectors were authorized to make unannounced visits and initiate sanctions. Depending on the seriousness of the violation, courts may impose fines, prison sentences, or both, for violating the law. Penalties were commensurate with those for similar violations. Workers have the right to remove themselves from unsafe situations without jeopardy to their employment. No complaints

from either labor or management were filed during the year regarding shortcomings in enforcement.

All sectors of the economy respected minimum wage, hours of work, and health and safety standards. The WRC secures compliance with employment rights legislation through inspection and dispute resolution. The WRC's Inspection Services have the authority to carry out employment rights compliance inspections under employment legislation.

By law an employer may not penalize—through dismissal, other disciplinary action, or less favorable treatment—employees who lodge 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 2019, an increase of seven from 2018. Of the fatalities, 18 were in the agriculture sector, and 12 were in construction.