

IRELAND 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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 2020 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 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.

Significant human rights issues included credible reports of trafficking in persons.

The government took steps to prosecute officials who committed human rights abuses and corruption, including in the security services and elsewhere in the government.

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 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, and Other Related Abuses

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

Prison and Detention Center Conditions

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

Abusive Physical Conditions: As of September 23, prisons overall held fewer inmates than the official capacity of the system, although four facilities exceeded capacity. Two women's prison operated at capacity. At times authorities held detainees awaiting trial and detained immigrants in the same facilities as convicts. In July the UN Human Rights Committee review of the country under the International Covenant on Civil and Political Rights (ICCPR) recommended the country separate detainees and convicted prisoners.

In July the Prison Service reported that 32 prisoners (of a total prison population of 4,191) in two prisons were subject to "slopping out," a process in which prisoners must use chamber pots due to a lack of sanitary facilities. The Committee to Prevent Torture (CPT) noted a continuing decrease in the numbers of prisoners subject to "slopping out" since 2014 and emphasized that 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 of prisoners were required to use the toilet in the presence of another prisoner. The Irish Penal Reform Trust (IPRT) continues to criticize the practice as "inhumane and degrading," saying it raised health concerns during a pandemic.

The Prison Service reported the use of restricted regimes, where a prisoner is confined to a cell for a minimum of 19 hours, was to address the risk presented by COVID-19. As of July, 763 prisoners in total were subject to a restricted regime (out of an average of 4,191 in prison that month.) The Prison Service stated 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 (CMH) in Dundrum, the country's only secure mental health facility.

In November 2021 the Inspector of Mental Health Services, a statutory body established by the Mental Health Act of 2001, published *Access to Mental Health Services for People in the Criminal Justice System*. In this report, the Inspector found those who are mentally ill and who have been accused or convicted of a criminal offense have unequal access to mental health services compared to those who have not offended. The report further said planned changes to increase capacity in the CMH would not be sufficient to meet the need.

Administration: The Office of the Inspector of Prisons, an independent statutory body, has oversight of the complaints system. Prisoners can submit complaints regarding their treatment to the prison service, but they do 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 may 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 2020-2022 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.

Improvements: In response to reports of prisoner mistreatment in a 2020 Council of Europe Committee for the Prevention of Torture (CPT) report, the Irish Prison Service took several measures, including through prison officer training and awareness/communications sessions, to ensure the use of force by staff is restricted

only to situations or circumstances where it is deemed reasonable and necessary. Prisoners can, through the Irish Prison Service Prisoner complaints process, make a complaint if they feel that a prison officer has used excessive force against them.

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.

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.

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 2021 there were 15 trials involving 21 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.

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.

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 government's policy is to monitor these issues as they evolve 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 in July 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

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, 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 members of the media.

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

The law places a duty on broadcasters not to broadcast any material which may 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, 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.

b. Freedoms 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 and the Right to Leave the Country

The constitution and law provide 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, 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 2021 the average length of stay in “direct provision” was 24 months, which was unchanged from the previous year. Direct

provision is a system that includes 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 2021, the government reported identifying four trafficking victims in the asylum system; victims were referred either by a government-funded NGO, Health Services Executive (HSE), or through government offices responsible for reviewing asylum applications and government-funded accommodations.

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.

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

Access to Basic Services: The country employs a system called “direct provision” for asylum seekers. In 2018 the direct provision facilities reached capacity, which required the government to house asylum seekers in emergency accommodations in hotels around the country. 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 September 25, there were 54,771 arrivals from Ukraine in the country under the Temporary Protection Directive (2001/55 EC).

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 2020 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. The law reduces government funding to political parties unless 30 percent of their candidates during general elections are women. Taoiseach (prime minister) Leo Varadkar was the only self-identified ethnic minority member of the Dail (Irish Parliament), and Senator Eileen Flynn is the first member of the Travelling community in the Seanad Eireann (Irish Senate). According to an investigation by the *Irish Independent* newspaper in November 2020, politicians identifying as ethnic or sexual minorities received a disproportionate amount of online abuse.

Citizens' assemblies have become a regular part of the Irish democratic system, with previous forums making recommendations on a variety of matters, including marriage equality, the eighth amendment to the Constitution, climate change and, most recently, gender equality. The views expressed by citizens' assemblies have led to constitutional change.

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.

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

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

Several 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 and Societal Abuses

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 of both men and women 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 (\$46,000).

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 must consent to all medical treatments, including those that arise from vulnerable populations. The government provides access to sexual and reproductive health services, including the provision of contraception and abortion, for survivors of sexual violence. The Cervical Check Tribunal was set up in 2018 to adjudicate claims linked to misinterpretation of cervical cancer screenings.

Discrimination: The law provides that women and men have the same legal status and rights, 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 (see section 7.d.). Travellers (a traditionally itinerant minority ethnic group), Roma, and migrant women have low levels of participation in political and public life.

Systemic Racial or Ethnic Violence and Discrimination

The Equal Status Acts 2000-2018 prohibit discrimination in the provision of goods and services, accommodation, and education on grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, or membership in the Traveler community. The government enforced the law effectively.

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, and verbal slurs. In late March an Asian woman reported being assaulted by a group of approximately a dozen male teenagers, who hit her and swung a bag of garbage into her while using racial slurs. She said police were hesitant to ascribe a racial motive to the attack when she reported it, and she was unsatisfied with the level of effort of the investigators to

identify the perpetrators.

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 health care and educational services.

In 2019, the most recent report available, the Council of Europe's Committee of Social Rights noted improvements but 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 2019 and identified gaps between the government's plans and its implementation. A Program Board was established in 2021 to oversee implementation of recommendations and present regular progress reports, with the most recent report in June.

In April the IPRT published a report on the rights of foreign national and minority ethnic groups in the country's penal system. The report found that foreign nationals *may* receive longer sentences than local citizens for controlled drug offenses and sexual offenses; foreign nationals and minority ethnic persons in prison faced significant challenges that had the effect of limiting trust with any part of the penal system.

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.

A birth can be registered at any local registration office in the State. The duty to complete the registration of the birth falls to a Qualified Informant (QI), and if applicable, registration of the birth allows the child to receive his or her Personal Public Service (PPS) number. A PPS number is a unique reference that helps a person access social welfare benefits, public services, and other official information.

Child Abuse: The law criminalizes physical and psychological abuse and engaging in, or attempting to engage in, a sexual act with juveniles. For victims ages 15 to 16 the maximum sentence 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. For victims 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 commercial sexual exploitation of children, sale, grooming, or using children for commercial exploitation, including sex trafficking. The law prohibits 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. Authorities enforced the law.

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.

In 2021, some gaps in trafficking victim identification remained, and like 2020, the government did not identify any child trafficking victims. The media reported that the national rapporteur, the Irish Human Rights and Equality Commission, highlighted the lack of identified children could also be a result of insufficient expertise among social workers regarding the identification of child trafficking victims.

Antisemitism

According to the 2016 census, the Jewish community numbered approximately 2,600 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 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: Same-sex conduct is not criminalized.

Violence against LGBTQI+ Persons: There were reports of violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons, including the April murder of two men in Sligo that police believe had a homophobic motivation. The government enforced the law when violations were reported.

Discrimination: The law prohibits discrimination in employment, goods, services, and education by state and nonstate actors based on sexual orientation,

gender identity or expression, or sex characteristics, and recognizes LGBTQI+ individuals, couples, and their families. The law does not include gender identity as an explicit category, but the courts have interpreted the law as prohibiting discrimination against transgender persons. The government enforced the law when violations were reported.

Availability of Legal Gender Recognition: Since September 2015, persons over 18 can update their legal gender markers through a simple administrative process of self-determination.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: *The LGBTI+ National Youth Strategy 2018-2020* provides for the prohibition of “the promotion or practice of conversion therapy by health professionals in Ireland” and the *National LGBTI+ Inclusion Strategy 2019-2022* commits to ensuring that the practice of so-called conversion therapy in the country is investigated and followed up with appropriate counter measures.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions of freedom of expression, association, or peaceful assembly.

Persons with Disabilities

The law requires that persons with physical, sensory, intellectual, or mental disabilities be able to access education, health services, public buildings, and transportation on an equal basis with others. Government information and communication on disability issues must 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. Persons with disabilities faced some discrimination in employment and occupation (see section 7.d.)

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for the rights of workers to form and join independent unions and bargain collectively. The law provides for the right to strike in both the public and private sectors, except for police and military personnel, postal and utility workers. 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.

The law does not require employers to engage in collective bargaining. Police and military personnel may form associations (technically not unions) to represent them in matters of pay, working conditions, and general welfare. Statutory mechanisms exist in the Industrial Relations Acts that provide a governmental dispute resolution mechanism in some circumstances where an employer refuses any engagement with worker representatives.

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

In employment law there is no right to take industrial action but there are protections for certain workers who do this by, for example, going on strike. Where notice of a strike or any other form of industrial action is being served on an employer, a minimum of seven days' notice applies. Sympathy and political strikes or strikes against an organization that is not the direct employer, are not lawful.

The government effectively enforced the law. Penalties were commensurate with those for similar violations, 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

The law prohibits all forms of forced or compulsory labor. The government did not consistently enforce the law; there were no prosecutions in 2020 or 2021 and there has never been a conviction for labor trafficking in the country.

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 44 suspected victims of trafficking in 2021. Of the 44 victims, all were adults, 28 were females and 16 males, 25 were exploited in sex trafficking and 19 in labor trafficking (which included two victims of forced criminality). 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 vulnerable 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. NGOs criticized the lack of viable avenues for victim restitution, particularly of cases that involved sex trafficking and undocumented workers. 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 fishermen outside of the European Economic Area (EEA) 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. A report published October 2021 found non-European fishermen working on Irish vessels were paid less than others on the boat performing the same work, while one-third felt unsafe on the boats where they worked. Several descriptions from the 24 interviewed sea fishers could meet the threshold for trafficking, including the use of fraudulent recruitment and nonviolent psychological coercion via threats of permit revocation and subsequent deportation, which coerced sea fishers into less pay, longer hours, more dangerous situations, the endurance of racial and verbal abuse, as well as several instances of forced criminal activity by coercing sea fishers to hide fish, in contravention of quota regulations. The research, conducted by Maynooth University and funded by the International Transport Workers' Federation, interviewed 24 non-EEA migrant workers in the Irish fishing industry. An Garda Siochana (police) and the WRC reported investigating and found no evidence to support the claim of widespread human trafficking in the fishing industry. In 2021, the government resumed identification, after a two-year hiatus, and formally recognized seven victims of human trafficking in the fishing industry. Failure to uniformly screen all trafficking victims before referring them to immigration authorities for deportation persisted and in May 2021, police declined to interview an undocumented sea fisher and self-identified trafficking victim, who had reportedly recorded the trafficker confessing, and instead referred the case to immigration authorities.

Also see the Department of State's *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 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 consider 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. There were no confirmed reports during the year of the worst forms of child labor. The WRC is responsible for enforcement, and it was effective, with adequate resources and investigative and enforcement powers. Penalties were commensurate with those for similar crimes. Penalties were regularly applied against violators.

d. Discrimination with Respect to Employment and Occupation

The law bans discrimination based on color and race, creed, national origin, ethnicity, language, sex (including pregnancy), civil or family status, sexual orientation or gender identity, age, religion, disability, medical condition, HIV or AIDS status, refugee or stateless status, 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 LGBTQI+ community, divorcees, single parents working in state-owned or state-funded schools, and hospitals operating under religious patronage.

A report, *Monitoring Decent Work in Ireland*, published by the Economic and Social Research Institute and the Irish Human Rights and Equality Commission in July, found young persons, persons with disabilities, Travellers, and migrants were at higher risk of disadvantage regarding employment.

The constitution states 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 bans discrimination based on sex, and specifically requires 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.

The government effectively enforced applicable laws. Penalties were commensurate with those for similar crimes. Penalties were regularly applied against violators.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum hourly wage is established by law and 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 in response to the COVID-19 pandemic. Although there is no statutory entitlement to premium pay for overtime, the employer and employee may arrange it.

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

Occupational Safety and Health: The government sets appropriate occupational safety and health (OSH) standards, many of which are derived from European Union Directives and Regulations. 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 38 workplace fatalities in 2021, a decrease of 15 from 2020. Of the fatalities, 11 were in the agriculture sector, and 10 were in construction.

Wage, Hour, and OSH Enforcement: The WRC secures compliance with wage and hour legislation through inspection and dispute resolution. The WRC's Inspection Services have the authority to carry out employment rights compliance inspections under employment legislation. The Department of Enterprise, Trade, and Employment is responsible for enforcing OSH 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. The government effectively enforced minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar violations. Penalties were regularly applied against violators. No complaints from either labor or management were filed during the year regarding shortcomings in enforcement.