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UNCLAS SECTION 01 OF 09 STATE 045335

USVIENNA FOR US DEL OSCE

E.O. 12958: N/A

TAGS: PGOV, EI

SUBJECT: 1995 COUNTRY HUMAN RIGHTS REPORTS - RELEASE
AND DISTRIBUTION

1. SBU/NOFORN - ENTIRE TEXT.
2. THIS CABLE PROVIDES THE FINAL VERSION OF THE 1995 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES THAT WILL BE DELIVERED TO CONGRESS ON MARCH 5, WITH PUBLIC RELEASE AT THE DEPARTMENT'S DAILY PRESS BRIEFING ON MARCH 6 AT 12:30 PM.
3. PLEASE NOTE THAT THE REPORTS REMAIN ADMINISTRATIVELY CONTROLLED (SENSITIVE BUT UNCLASSIFIED - NOFORN) UNTIL THEY ARE OFFICIALLY RELEASED. ONLY THE PUBLIC VERSION BECOMES RELEASABLE WHILE ALL EARLIER DRAFTS REMAIN CONTROLLED.
4. THE COUNTRY REPORTS ARE EMBARGOED UNTIL THE DEPARTMENT'S OFFICIAL RELEASE DATE. PLEASE ENSURE THAT THE TEXT OF THIS REPORT IS CLOSELY HELD IN ADVANCE OF THAT DATE. IT MAY NOT BE GIVEN TO MEDIA REPRESENTATIVES, DIPLOMATIC COLLEAGUES, OR OTHERS UNTIL OFFICIALLY RELEASED. HOWEVER, POST IS AUTHORIZED TO PROVIDE AN EMBARGOED COPY TO THE HOST GOVERNMENT APPROXIMATELY 24 HOURS IN ADVANCE OF THE PUBLIC RELEASE OF THE REPORT, ONLY UPON CONDITION THAT THE HOST GOVERNMENT NOT RELEASE THE

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TEXT PUBLICLY UNTIL THE TIME OF ITS RELEASE IN WASHINGTON.

(TEXT OF REPORT FOLLOWS:)

IRELAND

IRELAND IS A PARLIAMENTARY DEMOCRACY WITH A LONG TRADITION OF ORDERLY TRANSFER OF POWER. THE GOVERNMENT IS HEADED BY A PRESIDENT AND A PRIME MINISTER, AND THERE IS A BICAMERAL PARLIAMENT. THE JUDICIARY IS INDEPENDENT.

THE NATIONAL POLICE ARE UNDER THE EFFECTIVE CIVILIAN CONTROL OF THE MINISTER OF JUSTICE, AND HAVE SOLE RESPONSIBILITY FOR INTERNAL SECURITY. IRELAND'S PRINCIPAL INTERNAL SECURITY CONCERN HAS BEEN TO PREVENT THE SPILLOVER OF TERRORIST VIOLENCE FROM NORTHERN IRELAND. IN FEBRUARY THE GOVERNMENT LIFTED A 19-YEAR-OLD STATE OF EMERGENCY IN RESPONSE TO CEASE-FIRES BY THE IRISH REPUBLICAN ARMY (IRA) AND LOYALIST PARAMILITARIES. A 1976 LAW THAT GAVE THE DEFENSE FORCES SEARCH AND ARREST POWERS UNDER CERTAIN CIRCUMSTANCES WAS ALSO ALLOWED TO LAPSE. BUT THE SPECIAL CRIMINAL COURT--A NONJURY COURT SET UP IN 1972 TO ADDRESS THE PROBLEM OF JURY INTIMIDATION IN PARAMILITARY CASES--REMAINS IN PLACE AND CONTINUES TO BE USED SPORADICALLY DESPITE THE CEASE-FIRES. UNDER THE 1939 OFFENSES AGAINST THE STATE ACT, THE DIRECTOR OF PUBLIC PROSECUTIONS CAN HAVE ANY CASE TRIED BY THE SPECIAL CRIMINAL COURT SIMPLY BY CERTIFYING THAT THE ORDINARY COURTS ARE "INADEQUATE" TO DEAL WITH IT.

IRELAND HAS AN OPEN, MARKET-BASED ECONOMY THAT IS HIGHLY DEPENDENT ON INTERNATIONAL TRADE. IT IS A LARGE NET RECIPIENT OF FUNDS FROM THE EUROPEAN UNION (EU) DESIGNED TO RAISE PER CAPITA GROSS NATIONAL PRODUCT TO THE EU AVERAGE. DESPITE STRONG ECONOMIC GROWTH OVER THE PAST FEW YEARS, UNEMPLOYMENT REMAINS HIGH AT APPROXIMATELY 15 PERCENT.

THE GOVERNMENT GENERALLY RESPECTED THE HUMAN RIGHTS OF ITS CITIZENS. HUMAN RIGHTS PROBLEMS ARISE PRIMARILY FROM: THE CONTINUATION OF EMERGENCY LEGISLATION AND THE NON-JURY

COURT; PRISON OVERCROWDING AND SUBSTANDARD PRISON FACILITIES; DISCRIMINATION AND VIOLENCE AGAINST WOMEN; ABUSE OF CHILDREN; OCCASIONAL CENSORSHIP OF FILMS, BOOKS, AND PERIODICALS, AND; A LACK OF EXPLICIT ANTIDISCRIMINATION LEGISLATION, ESPECIALLY IN RELATION TO PERSONS WITH DISABILITIES AND "TRAVELERS" (GYPSIES).

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RESPECT FOR HUMAN RIGHTS

SECTION 1: RESPECT FOR THE INTEGRITY OF THE PERSON,
- INCLUDING FREEDOM FROM:

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO REPORTS OF POLITICAL OR OTHER EXTRAJUDICIAL KILLINGS.

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B. DISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED
DISAPPEARANCES.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
TREATMENT OR PUNISHMENT

THE LAW PROHIBITS SUCH PRACTICES, AND THERE WERE NO
REPORTS THAT OFFICIALS EMPLOYED THEM.

IRELAND HAS A LOW INCARCERATION RATE (65 INMATES PER 100,000 POPULATION), AND THE PRISON REGIME IS GENERALLY LIBERAL. HOWEVER, THE PHYSICAL INFRASTRUCTURE OF MANY PRISONS IS BARELY ADEQUATE: FACILITIES ARE PLAGUED BY CHRONIC OVERCROWDING, REQUIRING DOUBLING UP IN MANY SINGLE-PERSON CELLS. ALMOST ALL OF THE COUNTRY'S 12 PRISONS ARE HOUSED IN VERY OLD BUILDINGS THAT WERE BUILT ORIGINALLY FOR OTHER USES; AS A RESULT, LESS THAN HALF THE CELLS HAVE TOILETS AND RUNNING WATER. THE MEDICAL FACILITIES AND THE STANDARD OF HYGIENE AT MOUNTJOY PRISON, THE COUNTRY'S LARGEST PRISON, WERE RECENTLY DESCRIBED BY THE PRISON'S VISITING COMMITTEE AS "TOTALLY UNSATISFACTORY." THERE IS NO SEPARATE PRISON FACILITY FOR THE SMALL NUMBER OF WOMEN INMATES, AND NO SEGREGATION OF JUVENILES (PERSONS 17 TO 20 YEARS OF AGE) FROM ADULT PRISONERS. THE LAW ALSO ALLOWS THOSE AGES 15 AND 16 TO BE SENT TO ADULT PRISON IF A COURT DETERMINES THAT THEY ARE "UNRULY," ALTHOUGH IN PRACTICE, THAT HAPPENS

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INFREQUENTLY.

SINCE LAST YEAR'S CEASE-FIRE BY THE IRA, THE GOVERNMENT HAS GRANTD EARLY RELEASE TO 36 "REPUBLICAN" PARAMILITARY PRISONERS. SOME 42 "SUBVERSIVE" PRISONERS REMAIN IN CUSTODY AT A SPECIAL FACILITY IN PORTLAOISE PRISON. CONDITIONS FOR THESE INMATES ARE THE SAME, IF NOT BETTER, THAN THOSE FOR THE GENERAL PRISON POPULATION. A HANDFUL OF PRISONERS WHO BELONG TO A FRINGE REPUBLICAN GROUP (THE IRISH NATIONAL LIBERATION ARMY--INLA) CONDUCTED A SHORT HUNGER STRIKE TO PROTEST WHAT THEY CONSIDERED TO BE UNEQUAL TREATMENT COMPARED TO OTHER REPUBLICAN INMATES, BUT THIS WAS QUICKLY DEFUSED. EVEN IF MOST OF THE REMAINING REPUBLICAN PRISONERS ARE RELEASED EARLY AS PART OF THE NORTHERN IRELAND PEACE PROCESS, THE NUMBER INVOLVED IS TOO SMALL TO HAVE AN APPRECIABLE IMPACT ON THE PRISON OVERCROWDING PROBLEM.

IN JULY THE GOVERNMENT RATIFIED THE COUNCIL OF EUROPE CONVENTION ON THE TRANSFER OF SENTENCED PERSONS, WHICH COULD ACTUALLY EXACERBATE THE OVERCROWDING PROBLEM. THE NUMBER OF POTENTIAL TRANSFERS TO IRELAND IS FAR HIGHER THAN THE NUMBER OF POTENTIAL TRANSFERS OUT. WHILE THERE ARE ABOUT 180 FOREIGN NATIONALS IN IRISH JAILS, THERE ARE AN ESTIMATED 600 IRISH NATIONALS ELIGIBLE TO RETURN TO IRELAND UNDER THE CONVENTION.

IN JUNE 1994, THE GOVERNMENT PUBLISHED A 5-YEAR PLAN FOR DEALING WITH THE PRISON OVERCROWDING PROBLEM, ENTITLED "THE MANAGEMENT OF OFFENDERS." BUT HUMAN RIGHTS OBSERVERS ARE SKEPTICAL THAT THE GOVERNMENT'S PLAN WILL LEAD TO THE END OF THE PRESENT CHRONIC OVERCROWDING OR TO ANY RADICAL IMPROVEMENT. DUE TO A BUDGET SHORTFALL, THE GOVERNMENT IN JULY POSTPONED PLANE TO BUILD TWO NEW PRISONS TO ADDRESS THESE PROBLEMS.

D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION STIPULATES THAT NO PERSON SHALL BE DEPRIVED OF PERSONAL LIBERTY WITHOUT DUE PROCESS UNDER THE LAW. A DETAINEE HAS THE RIGHT TO PETITION THE HIGH COURT, WHICH IS REQUIRED TO ORDER RELEASE UNLESS IT CAN BE SHOWN THAT THE PERSON IS BEING DETAINED IN ACCORDANCE WITH THE LAW. UNDER THE 1984 CRIMINAL JUSTICE ACT, THE MAXIMUM PERIOD OF DETENTION FOR QUESTIONING IN MOST CASES IS 12 HOURS--PLUS A POSSIBLE EXTENSION OF 8 HOURS OVERNIGHT TO ALLOW A DETAINEE TO SLEEP.

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DETENTION WITHOUT CHARGE IS PERMITTED FOR UP TO 48 HOURS, HOWEVER, IN CASES COVERED BY THE 1939 OFFENSES AGAINST THE

STATE ACT. THIS ACT ALLOWS POLICE TO ARREST AND DETAIN FOR QUESTIONING ANYONE SUSPECTED OF COMMITTING A "SCHEDULED OFFENSE," I.E., ONE INVOLVING FIREARMS, EXPLOSIVES, OR MEMBERSHIP IN AN UNLAWFUL ORGANIZATION. ALTHOUGH THE STATED PURPOSE OF THE ACT IS TO "PREVENT ACTIONS AND CONDUCT CALCULATED TO UNDERMINE PUBLIC ORDER UNCLAS SECTION 03 OF 09 STATE 045335

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AND THE AUTHORITY OF THE STATE," IT IS NOT RESTRICTED TO SUBVERSIVE OFFENSES. THEREFORE, THE POLICE HAVE BROAD ARREST AND DETENTION POWERS IN ANY CASE INVOLVING FIREARMS.

THE ACT ALSO PROVIDES FOR THE INDEFINITE DETENTION, OR INTERNMENT, WITHOUT TRIAL OF ANY PERSON WHO IS ENGAGED IN ACTIVITIES WHICH ARE "PREJUDICIAL TO THE PRESERVATION OF PUBLIC PEACE AND ORDER OR TO THE SECURITY OF THE STATE." WHILE THIS POWER HAS NOT BEEN INVOKED SINCE THE LATE 1950'S, THE GOVERNMENT COULD DO SO BY SIMPLY ISSUING A PROCLAMATION.

THERE ARE NO PROVISIONS FOR THE 1939 OFFENSES AGAINST THE STATE ACT TO BE RENEWED ANNUALLY; IT CONTINUES INDEFINITELY. THE GOVERNMENT, HOWEVER, HAS PLEDGED TO "CAREFULLY REVIEW ALL LEGISLATION AND COURT ARRANGEMENTS ASSOCIATED WITH THE MANAGEMENT OF THE CONFLICT IN THE LAST 25 YEARS."

AT THE SAME TIME, THE GOVERNMENT IS MOVING TO BROADEN THE CIRCUMSTANCES UNDER WHICH EXTENDED DETENTION WITHOUT CHARGE IS ALLOWED. IN JULY IT APPROVED COUNTER-NARCOTICS PROPOSALS WHICH INCLUDE A PROVISION FOR DETENTION FOR UP TO 7 DAYS IN CASES INVOLVING DRUG TRAFFICKING. TO HOLD A SUSPECTED DRUG TRAFFICKER FOR MORE THAN 48 HOURS, HOWEVER, THE POLICE WOULD HAVE TO SEEK A JUDGE'S APPROVAL. LEGISLATION IMPLEMENTING THIS NEW MEASURE IS EXPECTED IN EARLY 1996.

THE AUTHORITIES DO NOT IMPOSE EXILE.

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E. DENIAL OF FAIR PUBLIC TRIAL

THE CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY, AND THE COURTS ARE INDEPENDENT IN PRACTICE. THE CONSTITUTION ALSO PROVIDES FOR A FAIR PUBLIC TRIAL, AND THIS IS HONORED BY THE LEGAL SYSTEM.

JURY TRIAL IS THE NORM. THE ACCUSED GENERALLY MAY CHOOSE HIS OR HER ATTORNEY. FOR INDIGENTS, THE STATE ASSUMES THE COST OF COUNSEL. JUDGES ARE APPOINTED BY THE PRESIDENT ON THE ADVICE OF THE GOVERNMENT. THE JUDICIAL SYSTEM

INCLUDES 23 DISTRICT COURTS, 8 CIRCUIT COURTS, THE HIGH COURT, THE COURT OF CRIMINAL APPEAL, AND THE SUPREME COURT. MOST CRIMINAL CASES ARE PROSECUTED BY THE DIRECTOR OF PUBLIC PROSECUTIONS, A STATE OFFICIAL WITH SEMIAUTONOMOUS STATUS.

HOWEVER, THE CONSTITUTION EXPLICITLY ALLOWS "SPECIAL COURTS" TO BE CREATED WHEN "ORDINARY COURTS ARE INADEQUATE TO SECURE THE EFFECTIVE ADMINISTRATION OF JUSTICE AND THE PRESERVATION OF PUBLIC PEACE AND ORDER." IN 1972, UNDER THE 1939 OFFENSES AGAINST THE STATE ACT, THE GOVERNMENT SET UP A NONJURY "SPECIAL CRIMINAL COURT" (SCC) TO TRY THE "SCHEDULED OFFENSES," I.E., ONES INVOLVING FIREARMS, DXPLOSIVES, OR MEMBERSHIP IN AN UNLAWFUL ORGANIZATION. LARGELY A REACTION TO THE SPILLOVER OF PARAMILITARY VIOLENCE FROM NORTHERN IRELAND, THE SCC HAS BEEN JUSTIFIED OVER THE YEARS AS ADDRESSING THE PROBLEM OF JURY INTIMIDATION IN CASES INVOLVING DEFENDANTS WITH SUSPECTED PARAMILITARY LINKS.

DESPITE THE CESSATION OF PARAMILITARY VIOLENCE IN 1994, THE SCC REMAINS IN PLACE AND CONTINUES TO BE USED. FAR FEWER CASES ARE HANDLED BY THE SCC THAN DURING THE "TROUBLES," BUT IT HAS BEEN USED IN 1995 TO DEAL WITH NARCOTICS TRAFFICKERS AND OTHER OFFENSES DEEMED THREATENING TO THE STATE. IN 1995 AT LEAST NINE PERSONS HAVE BEEN CONVICTED BY THE SCC. IN ADDITION TO THE "SCHEDULED OFFENSES," THE DIRECTOR OF PUBLIC PROSECUTIONS CAN HAVE ANY CASE TRIED BY THE SPECIAL CRIMINAL COURT BY SIMPLY CERTIFYING THAT THE ORDINARY COURTS ARE "INADEQUATE" TO DEAL WITH IT. IN OCTOBER THE HIGH COURT REJECTED A CHALLENGE TO THE CONTINUED EXISTENCE OF THE SPECIAL CRIMINAL COURT AND UPHELD THE DIRECTOR OF PUBLIC PROSECUTION'S DISCRETION TO BRING ANY CASE IT CHOOSES BEFORE THE COURT.

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IN LIEU OF A JURY, THE SPECIAL CRIMINAL COURT USUALLY SITS AS A THREE-JUDGE PANEL. ITS VERDICTS ARE BY MAJORITY VOTE. RULES OF EVIDENCE ARE ESSENTIALLY THE SAME AS IN REGULAR COURTS, EXCEPT THAT THE SWORN STATEMENT OF A POLICE CHIEF SUPERINTENDENT IDENTIFYING THE ACCUSED AS A MEMBER OF AN ILLEGAL ORGANIZATION IS ACCEPTED AS PRIMA FACIE EVIDENCE. IN 1994, FOR EXAMPLE, PAUL WALSH WAS CONVICTED OF IRA MEMBERSHIP BY THE COURT ON THE BASIS OF A UNCLAS SECTION 04 OF 09 STATE 045335

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TAGS: PGOV, EI

SUBJECT: 1995 COUNTRY HUMAN RIGHTS REPORTS - RELEASE AND DISTRIBUTION

CHIEF SUPERINTENDENT'S OPINION AND HIS POSSESSION OF FREELY AVAILABLE POSTERS AND BOOKS AND A NOTEBOOK IN WHICH HE HAD WRITTEN: "HI HO, HI HO, I AM A PROVO. I WORK ALL DAY FOR THE IRA." SESSIONS OF THE SCC ARE USUALLY PUBLIC,

BUT THE JUDGE MAY EXCLUDE CERTAIN PERSONS OTHER THAN JOURNALISTS. APPEALS FROM THE SCC ARE ONLY ALLOWED ON POINTS OF LAW OR AGAINST THE SENTENCED IMPOSED.

THERE WERE NO REPORTS OF POLITICAL PRISONERS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE SUPREME COURT HAS AFFIRMED THAT, ALTHOUGH NOT SPECIFICALLY PROVIDED FOR IN THE CONSTITUTION, THE INVIOABILITY OF PERSONAL PRIVACY, FAMILY, AND HOME MUST BE RESPECTED IN LAW AND PRACTICE. THIS IS FULLY HONORED BY THE GOVERNMENT.

THE CONSTITUTION CURRENTLY PROVIDES THAT THE STATE SHALL ENACT NO LAW PERMITTING DIVORCE, BUT A REFERENDUM TO REMOVE THIS BAN PASSED BY A NARROW MARGIN ON NOVEMBER 24. THE HIGH COURT IS TO CONSIDER A CHALLENGE TO THE VALIDITY OF THE REFERENDUM IN 1996. IF THE RESULTS ARE UPHELD, THE GOVERNMENT PLANE TO INTRODUCE LEGISLATION IN 1996 ALLOWING COURTS TO GRANT DIVORCES.

ARTICLE 40 OF THE CONSTITUTION REQUIRES THE STATE TO "...RESPECT...DEFEND AND VINDICATE..." THE RIGHT TO LIFE

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OF THE UNBORN, "WITH DUE REGARD TO THE EQUAL RIGHT TO LIFE OF THE MOTHER." BUT IN 1992, FOLLOWING THE CONTROVERSIAL CASE OF A 14-YEAR-OLD RAPE VICTIM WHO WAS BARRED FROM TRAVELING TO THE UNITED KINGDOM FOR AN ABORTION, VOTERS APPROVED CONSTITUTIONAL AMENDMENTS SPECIFYING THAT THE STATE, IN PROTECTING THE UNBORN, COULD NOT LIMIT TRAVEL TO OTHER COUNTRIES, OR LIMIT ACCESS TO INFORMATION RELATING TO SERVICES LAWFULLY AVAILABLE IN OTHER COUNTRIES. AN ABORTION INFORMATION BILL IMPLEMENTING THE NEW CONSTITUTIONAL PROVISION BECAME LAW IN 1995. THE LAW DRAWS A DISTINCTION BETWEEN "INFORMATION" AND "REFERRAL," PROHIBITING ANY DOCTOR OR AGENCY FROM MAKING AN APPOINTMENT AT A FOREIGN ABORTION CLINIC ON BEHALF OF A WOMAN. THE LAW ALSO PROHIBITS THE PROVISION OF ABORTION INFORMATION BY BILLBOARDS, PUBLIC NOTICES, OR UNSOLICITED LEAFLETS.

SECTION 2: RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION PROVIDES INDIVIDUALS WITH THE RIGHT TO "EXPRESS FREELY THEIR CONVICTIONS AND OPINIONS." FREEDOM

OF THE PRESS, HOWEVER, IS SUBJECT TO THE QUALIFICATION THAT IT NOT "UNDERMINE PUBLIC ORDER OR MORALITY OR THE AUTHORITY OF THE STATE." PUBLICATION OR UTTERANCE OF "BLASPHEMOUS, SEDITION, OR INDECENT MATTER" IS PROHIBITED. WHILE THE PRESS, IN PRACTICE, OPERATES FREELY, THE 1961 DEFAMATION ACT (WHICH PUTS THE ONUS ON NEWSPAPERS AND PERIODICALS ACCUSED OF LIBEL TO PROVE DEFAMATORY WORDS ARE TRUE) AND THE 1963 OFFICIAL SECRETS ACT (WHICH GIVES THE STATE WIDE SCOPE TO PROSECUTE UNAUTHORIZED DISCLOSURES OF SENSITIVE GOVERNMENT INFORMATION) ARE BELIEVED TO RESULT IN SOME SELF-CENSORSHIP. IN DECEMBER A NEWSPAPER WAS FOUND GUILTY BY THE DUBLIN DISTRICT COURT OF BREACHING THE OFFICIAL SECRETS ACT. THE NEWSPAPER AND ITS REPORTER WERE FINED FOR PUBLISHING CONFIDENTIAL POLICE INFORMATION CONCERNING A PLANTED BANK ROBBERY AFTER THE CRIME HAD BEEN COMMITTED. THE NEWSPAPER PLANNED TO APPEAL THE VERDICT.

MORE THAN 70 LIBEL ACTIONS AGAINST NEWSPAPERS AND OTHER PUBLICATIONS WERE PENDING BEFORE THE COURTS; THE NATIONAL NEWSPAPERS ASSOCIATION OF IRELAND ESTIMATED THAT LIBEL AWARDS AND RELATED LEGAL BILLS COST ITS MEMBERS ABOUT DOLLARS 8 MILLION (5 MILLION IRISH POUNDS) PER YEAR. THE GOVERNMENT HAS PROPOSED A FREEDOM OF INFORMATION ACT TO

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ADDRESS SOME OF THESE PROBLEMS.

BROADCASTING REMAINS MOSTLY STATE CONTROLLED, BUT UNDER THE 1988 RADIO AND TELEVISION ACT, PRIVATE SECTOR BROADCASTING IS GROWING. THERE ARE NOW SEVERAL FLOURISHING INDEPENDENT RADIO STATIONS, AND A FRANCHISE FOR AN INDEPENDENT TELEVISION STATION IS UNDER NEGOTIATION. A BROADCASTING COMPLAINTS COMMISSION OVERSEES STANDARDS AND INVESTIGATES COMPLAINTS ABOUT UNCLAS SECTION 05 OF 09 STATE 045335

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SUBJECT: 1995 COUNTRY HUMAN RIGHTS REPORTS - RELEASE AND DISTRIBUTION

PROGRAMMING. THE 1960 BROADCASTING ACT EMPOWERS THE GOVERNMENT TO PROHIBIT THE STATE-OWNED RADIO AND TELEVISION NETWORK FROM BROADCASTING ANY MATTER THAT IS "LIKELY TO PROMOTE OR INCITE TO CRIME OR WHICH WOULD TEND TO UNDERMINE THE AUTHORITY OF THE STATE." IT WAS ON THIS BASIS THAT THE GOVERNMENT BANNED SINN FEIN (THE LEGAL POLITICAL FRONT OF THE IRA) FROM THE AIRWAVES FROM 1971 TO 1994.

FILMS AND VIDEOS MUST BE SCREENED AND CLASSIFIED BY THE OFFICE OF THE FILM CENSOR BEFORE THEY CAN BE SHOWN OR SOLD. DISTRIBUTORS MUST PAY A FEE AVERAGING ABOUT DOLLARS 1,600 (1,000 IRISH POUNDS) PER FILM, WHICH IS THE 1923 CENSORSHIP OF FILMS ACT, THE CENSOR HAS THE AUTHORITY TO CUT OR BAN ANY

FILM THAT IS "INDECENT, OBSCENE OR BLASPHEMOUS" OR WHICH TENDS TO "INCULCATE PRINCIPLES CONTRARY TO PUBLIC MORALITY OR SUBVERSIVE OF PUBLIC MORALITY." THERE HAS BEEN A DIMINISHING USE OF THIS BROAD POWER IN RECENT YEARS: IN 1994 ONLY 3 OF THE 343 FILMS REVIEWED BY THE CENSOR WERE BANNED. A SIMILARLY SMALL NUMBER OF FILMS WERE PROHIBITED IN 1995. DECISIONS OF THE CENSOR CAN BE APPEALED TO A NINE-MEMBER APPEAL BOARD, BUT NEITHER THE CENSOR NOR THE APPEAL BOARD IS REQUIRED TO HEAR ARGUMENTS OR EVIDENCE IN PUBLIC OR TO STATE REASONS FOR ITS DECISIONS.

BOOKS AND PERIODICALS ARE ALSO SUBJECT TO CENSORSHIP. THE 1946 CENSORSHIP OF PUBLICATIONS ACT CALLS FOR A FIVE-MEMBER BOARD TO EXAMINE PUBLICATIONS REFERRED TO IT

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BY THE CUSTOMS SERVICE OR A MEMBER OF THE GENERAL PUBLIC. THEY CAN ALSO EXAMINE BOOKS OR PERIODICALS ON THEIR OWN INITIATIVE. THE BOARD CAN PROHIBIT THE SALE OF ANY PUBLICATION THAT IT JUDGES TO BE INDECENT OR OBSCENE. IN 1994, 16 BOOKS AND 2 PERIODICALS WERE PROHIBITED. HOWEVER, THE BAN ON PLAYBOY MAGAZINE, WHICH HAD BEEN IN EFFECT SINCE THE EARLY 1960'S, WAS LIFTED IN 1995.

ACADEMIC FREEDOM IS RESPECTED.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO "ASSEMBLE PEACEABLY AND WITHOUT ARMS" AND TO FORM ASSOCIATIONS AND UNIONS. HOWEVER, IT ALSO ALLOWS THE STATE TO "PREVENT OR CONTROL MEETINGS" WHICH ARE "CALCULATED TO CAUSE A BREACH OF THE PEACE OR TO BE A DANGER OR NUISANCE TO THE GENERAL PUBLIC." UNDER THE 1939 OFFENSES AGAINST THE STATE ACT, IT IS UNLAWFUL TO HOLD ANY PUBLIC MEETING ON BEHALF OF, OR IN SUPPORT OF, AN ILLEGAL ORGANIZATION. IN PRACTICE, HOWEVER, THE GOVERNMENT HAS BEEN LIBERAL IN ALLOWING PUBLIC MEETINGS AND ASSEMBLIES, EVEN BY GROUPS ASSOCIATED WITH ILLEGAL TERRORIST ORGANIZATIONS, SUCH AS THE IRA.

C. FREEDOM OF RELIGION

THE CONSTITUTION PROVIDES FOR FREEDOM OF RELIGION, AND THE GOVERNMENT DOES NOT HAMPER THE TEACHING OR PRACTICE OF ANY FAITH. EVEN THOUGH IRELAND IS OVERWHELMINGLY ROMAN CATHOLIC, THERE IS NO STATE RELIGION. HOWEVER, ALMOST ALL PRIMARY AND SECONDARY SCHOOLS ARE DENOMINATIONAL, MANAGED AND CONTROLLED BY THE CATHOLIC CHURCH- RELIGIOUS INSTRUCTION IS AN INTEGRAL PART OF THE CURRICULUM, BUT

THERE ARE PROVISIONS FOR PARENTS TO EXEMPT THEIR CHILDREN FROM SUCH INSTRUCTION. THE MINISTER OF EDUCATION PUBLISHED A WHITE PAPER IN 1995 PROPOSING SWEEPING EDUCATIONAL REFORMS, INCLUDING THAT SCHOOLS BE BROUGHT UNDER STATE OWNERSHIP AND THAT THE NUMBER OF RELIGIOUS TRUSTEES ON SCHOOL BOARDS BE REDUCED.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THERE IS COMPLETE FREEDOM OF MOVEMENT WITHIN THE COUNTRY, AS WELL AS FREEDOM TO ENGAGE IN FOREIGN TRAVEL, EMIGRATION, AND VOLUNTARY REPATRIATION.

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IRELAND CURRENTLY HAS NO DOMESTIC LAW DEALING WITH THE STATUS OF REFUGEES OR THE PROCEDURES TO BE FOLLOWED WHEN A PERSON APPLIES FOR ASYLUM. AS RESULT, THE LEGAL RIGHTS AND PROTECTIONS FOR ASYLUM SEEKERS AND REFUGEES ARE TENUOUS. IRELAND IMPLEMENTS ITS OBLIGATIONS UNDER THE 1951 CONVENTION RELATING TO THE STATUS OF REFUGEES ON AN ADMINISTRATIVE BASIS. SPECIFIC ADMINISTRATIVE PROCEDURES FOR THE DETERMINATION OF REFUGEE STATUS WERE DRAWN UP IN UNCLAS SECTION 06 OF 09 STATE 045335

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SUBJECT 1995 COUNTRY HUMAN RIGHTS REPORTS - RELEASE AND DISTRIBUTION

1985 IN CONSULTATION WITH THE U.N. HIGH COMMISSIONER FOR REFUGEES; IN 1992 THE SUPREME COURT RULED THAT THESE PROCEDURES WERE BINDING ON THE MINISTER OF JUSTICE. BUT AS THE NUMBER OF ASYLUM SEEKERS HAS INCREASED (FROM ONLY 31 IN 1990 TO 259 IN THE FIRST 9 MONTHS OF 1995), THESE ADMINISTRATIVE PROCEDURES HAVE PROVED INADEQUATE. IN PARTICULAR, THERE HAVE BEEN COMPLAINTS OF LONG DELAYS AND A LACK OF TRANSPARENCY IN DECISIONS CONCERNING REFUGEE STATUS. THE GOVERNMENT, HOWEVER, HAS MOVED TO ADDRESS THESE SHORTCOMINGS BY INTRODUCING LEGISLATION THAT WOULD PUT PROVISIONS FOR DEALING WITH REFUGEES ON A STATUTORY BASIS.

SECTION 3: RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF
- CITIZENS TO CHANGE THEIR GOVERNMENT

THE CONSTITUTIONAL REQUIREMENT THAT PARLIAMENTARY ELECTIONS BE HELD AT LEAST EVERY 7 YEARS HAS ALWAYS BEEN MET. SUFFRAGE IS UNIVERSAL FOR CITIZENS OVER AGE 18, AND BALLOTING IS SECRET. SEVERAL POLITICAL PARTIES HAVE SEATS IN THE BICAMERAL PARLIAMENT. MEMBERS OF THE PAIL (HOUSE OF REPRESENTATIVES)-- THE CHAMBER THAT CARRIES OUT THE MAIN LEGISLATIVE FUNCTIONS-- ARE POPULARLY ELECTED; IN THE SEANAD (SENATE), SOME MEMBERS ARE ELECTED AND SOME ARE APPOINTED BY VARIOUS BODIES. THE PRESIDENT IS POPULARLY ELECTED FOR A 7-YEAR TERM AND IS LIMITED TO TWO TERMS. AN

APPOINTED COUNCIL OF STATE SERVES AS AN ADVISORY BODY TO THE PRESIDENT.

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WOMEN ARE UNDERREPRESENTED IN GOVERNMENT AND POLITICS. ALTHOUGH A WOMAN IS PRESIDENT, ONLY 22 OF THE 166 DEPUTIES IN THE DAIL AND 8 OF THE 60 SENATORS ARE WOMEN. OF THE 22 LEGISLATIVE COMMITTEES, THE ONLY ONE CHAIRED BY A WOMAN IS THE JOINT COMMITTEE ON WOMEN'S RIGHTS. TWO OF THE 15 GOVERNMENT MINISTERS ARE WOMEN, AS ARE 4 OF THE 17 JUNIOR MINISTERS. WHILE WOMEN PARTICIPATE IN ALL DEPARTMENTS OF GOVERNMENT, THEY ARE UNDERREPRESENTED AT SENIOR LEVELS. WOMEN HOLD ABOUT 30 PERCENT OF ALL PUBLIC-SECTOR JOBS.

SECTION 4: GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL
- AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED
- VIOLATIONS OF HUMAN RIGHTS

THE PRINCIPAL INDEPENDENT ORGANIZATION MONITORING DOMESTIC HUMAN RIGHTS PROBLEMS, THE IRISH COUNCIL FOR CIVIL LIBERTIES, OPERATES WITHOUT HINDRANCE FROM THE GOVERNMENT. THE GOVERNMENT IS OPEN TO INVESTIGATION OF HUMAN RIGHTS ABUSES BY INTERNATIONAL OR OTHER NONGOVERNMENTAL ORGANIZATIONS.

SECTION 5: DISCRIMINATION BASED ON RACE, SEX, RELIGION,
- DISABILITY, LANGUAGE, OR SOCIAL STATUS

EXCEPT AS REGARDS EMPLOYMENT, NEITHER THE CONSTITUTION NOR THE LAW PROHIBITS DISCRIMINATION ON THE BASIS OF DISABILITY, RACE, SEX, LANGUAGE, OR SOCIAL STATUS. TO ADDRESS THESE AND OTHER SHORTCOMINGS IN IRISH CIVIL LAW, THE GOVERNMENT IN 1993 CREATED THE DEPARTMENT OF EQUALITY AND LAW REFORM. THE DEPARTMENT IS CURRENTLY DRAFTING AN EQUAL STATUS BILL TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, EDUCATION, AND IN THE PROVISION OF GOODS, FACILITIES, AND SERVICES; ONCE ADOPTED INTO LAW, THIS LEGISLATION WILL ALLOW IRELAND TO RATIFY THE U.N. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION. THE CONSTITUTION, AS AMENDED, ALREADY FORBIDS STATE PROMOTION OF ONE RELIGION OVER ANOTHER AND DISCRIMINATION ON THE GROUNDS OF RELIGIOUS PROFESSION, BELIEF, OR STATUS.

WOMEN

THERE HAVE BEEN NO SYSTEMATIC STUDIES OF VIOLENCE AGAINST WOMEN, BUT INDICATIONS ARE THAT IT IS SIGNIFICANT. WOMEN'S AID, A PRIVATE ORGANIZATION, REPORTED THAT FROM

JANUARY TO OCTOBER IT HAD RECEIVED MORE THAN 8,000 PHONE CALLS FROM WOMEN CLAIMING ABUSE COMPARED TO 6,000 CALLS

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FOR ALL OF 1994. THE RAPE CRISIS CENTER REPORTED THAT IT HAD RECEIVED MORE THAN 1,000 PHONE CALLS IN 1995 FROM WOMEN CLAIMING THEY HAD BEEN RAPED. THE CENTER ESTIMATES THAT ONLY 29 PERCENT OF RAPE VICTIMS REPORT THE CRIME TO POLICE, AND THAT ONLY 17 PERCENT OF THOSE GO TO TRIAL. A 1990 ACT CRIMINALIZED RAPE WITHIN MARRIAGE AND PROVIDED FOR FREE LEGAL ADVICE TO THE VICTIMS

ANOTHER INDICATION OF THE EXTENT OF VIOLENCE AGAINST WOMEN
UNCLAS SECTION 07 OF 09 STATE 045335

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SUBJECT: 1995 COUNTRY HUMAN RIGHTS REPORTS - RELEASE
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IS THE NUMBER OF APPLICATIONS FOR BARRING ORDERS. IN 1994 THERE WERE APPROXIMATELY 4,400 APPLICATIONS FOR ORDERS TO BAR THE HUSBAND FROM THE FAMILY HOME. THE GOVERNMENT IN 1995 INTRODUCED A DOMESTIC VIOLENCE BILL THAT WOULD STRENGTHEN BARRING AND PROTECTION ORDERS AND THAT WOULD GIVE THE POLICE NEW POWERS OF ARREST TO DEAL WITH THESE CASES.

DISCRIMINATION AGAINST WOMEN IN THE WORKPLACE IS UNLAWFUL, BUT INEQUALITIES PERSIST REGARDING PAY AND PROMOTIONS IN BOTH THE PUBLIC AND THE PRIVATE SECTORS. WORKING WOMEN ARE ALSO HAMPERED BY THE LACK OF ADEQUATE CHILD-CARE FACILITIES. IN 1990 THE GOVERNMENT ESTABLISHED THE SECOND COMMISSION ON THE STATUS OF WOMEN, WHICH PUBLISHED ITS RECOMMENDATIONS IN EARLY 1993; THE GOVERNMENT PLEDGED TO IMPLEMENT THEM, INCLUDING A REQUIREMENT THAT AT LEAST 40 PERCENT OF ALL PUBLIC APPOINTEES BE WOMEN. ONE OF THE RECOMMENDATIONS WAS ACHIEVED IN 1994 WHEN THE MATERNITY PROTECTION ACT WAS PASSED, PROVIDING A WOMAN 14 WEEKS OF MATERNITY LEAVE AND THE RIGHT TO RETURN TO HER JOB.

THE ANTI-DISCRIMINATION (PAY) ACT OF 1974 AND THE EMPLOYMENT EQUALITY ACT OF 1977 PROVIDE FOR PROTECTION AND REDRESS AGAINST DISCRIMINATION BASED ON GENDER. THE EMPLOYMENT EQUALITY AGENCY MONITORS THEIR IMPLEMENTATION. THE NUMBER OF CASES BROUGHT TO THE AGENCY HAS FALLEN IN RECENT YEARS, BUT PROGRESS IN ELIMINATING THE DIFFERENTIAL IN EARNINGS HAS BEEN MODEST. IN 1995 THE HOURLY INDUSTRIAL WAGE FOR WOMEN WAS 60 PERCENT OF THAT RECEIVED BY MEN, AND WEEKLY EARNINGS OF WOMEN AVERAGED 68 PERCENT

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OF THE WEEKLY PAY OF MEN.

CHILDREN

THE GOVERNMENT IS STRONGLY COMMITTED TO THE WELFARE AND RIGHTS OF CHILDREN, AS DEMONSTRATED BY ITS ONGOING IMPLEMENTATION OF THE 1991 CHILD CARE ACT. EDUCATION IS

COMPULSORY FOR CHILDREN AGE 6 TO 15 YEARS. AMONG OTHER THINGS, THE ACT PLACES A STATUTORY DUTY ON GOVERNMENT HEALTH BOARDS TO IDENTIFY AND HELP CHILDREN WHO ARE NOT RECEIVING ADEQUATE CARE AND GIVES THE POLICE INCREASED POWERS TO REMOVE A CHILD WHERE THERE IS AN IMMEDIATE AND SERIOUS RISK TO HEALTH OR WELFARE. THE MINISTER OF STATE (JUNIOR MINISTER) FOR HEALTH HAS SPECIAL RESPONSIBILITY FOR CHILDREN'S POLICY, INCLUDING IMPLEMENTATION OF THE CHILD CARE ACT; BY THE END OF 1995, ONLY PARTS OF THE ACT REMAINED TO BE IMPLEMENTED. THE STATUS OF CHILDREN ACT OF 1987 ABOLISHED THE CONCEPT OF ILLEGITIMACY AND PROVIDED FOR EQUAL RIGHTS FOR CHILDREN IN ALL LEGAL PROCEEDINGS.

IN RECENT YEARS, SEXUAL ABUSE OF CHILDREN HAS BEEN RECEIVING INCREASED MEDIA ATTENTION; THE NUMBER OF REPORTED PHYSICAL ABUSE CASES IS ALSO RISING. SURVEYS SUGGEST THAT 12 TO 15 PERCENT OF CHILDREN EXPERIENCE PHYSICAL, SEXUAL; OR EMOTIONAL ABUSE. IN THE WAKE OF RECENT REVELATIONS THAT THE CATHOLIC CHURCH DID NOT INFORM AUTHORITIES OF SEVERAL INSTANCES OF SEXUAL CHILD ABUSE BY CLERGYMEN, THE GOVERNMENT IS CONSIDERING MAKING THE REPORTING OF ANY SUSPECTED CHILD ABUSE MANDATORY.

PEOPLE WITH DISABILITIES

AN ESTIMATED 15 PERCENT OF THE ADULT POPULATION ARE DISABLED; 80 PERCENT OF THOSE ARE UNEMPLOYED. THERE IS CURRENTLY NO LEGISLATION TO PROTECT DISABLED PERSONS FROM DISCRIMINATION IN EMPLOYMENT OR IN OTHER MATTERS OR TO IMPROVE THEIR ACCESS TO BUILDINGS OR TRANSPORTATION. FEW PUBLIC OR PRIVATE BUILDINGS HAVE FACILITIES FOR THE DISABLED. A COMMISSION ON THE STATUS OF PEOPLE WITH DISABILITIES IS SCHEDULED TO REPORT IN APRIL, 1996. THE GOVERNMENT IS EXPECTED TO DRAW ON ITS RECOMMENDATIONS IN DRAFTING THE EQUAL STATUS BILL.

NATIONAL/RACIAL/ETHNIC MINORITIES

THERE ARE SOME 25,000 NOMADIC PEOPLE WITHIN IRELAND WHO REGARD THEMSELVES AS A DISTINCT ETHNIC GROUP CALLED

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"TRAVELERS," ROUGHLY ANALOGOUS TO THE GYPSIES OF CONTINENTAL EUROPE. THE "TRAVELING" COMMUNITY HAS ITS OWN HISTORY, CULTURE, AND LANGUAGE. THE TRAVELERS' EMPHASIS ON SELF-EMPLOYMENT AND THE EXTENDED FAMILY DISTINGUISH THEM FROM THE REST OF IRISH SOCIETY. IN 1991 A EUROPEAN PARLIAMENT COMMITTEE REPORTED THAT IN IRELAND, "THE SINGLE MOST DISCRIMINATED AGAINST ETHNIC GROUP IS THE 'TRAVELING PEOPLE.'" THAT REMAINED TRUE IN 1995.

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TRAVELERS ARE REGULARLY DENIED ACCESS TO PREMISES, GOODS, FACILITIES, AND SERVICES; MANY RESTAURANTS AND PUBS, FOR EXAMPLE, HAVE A POLICY OF NOT SERVING THEM. DESPITE NATIONAL SCHOOL RULES WHICH PROVIDE THAT NO CHILD MAY BE REFUSED ADMISSION ON ACCOUNT OF SOCIAL POSITION, TRAVELERS FREQUENTLY EXPERIENCE DIFFICULTIES IN ENROLLING THEIR CHILDREN IN SCHOOL. OF AN ESTIMATED 3,500 TRAVELER FAMILIES, MORE THAN 1,000 ARE RESIDING ON ROADSIDES OR ON TEMPORARY SITES WITHOUT TOILETS, ELECTRICITY, OR WASHING FACILITIES.

IRISH SOCIETY'S GENERAL HOSTILITY TOWARD TRAVELERS IS REFLECTED IN OCCASIONAL ACTS OF VIOLENCE. IN SEPTEMBER 1994, A TRAVELER FAMILY IN COUNTY CORK HAD THEIR CARAVAN TURNED OVER AND DESTROYED BY A GROUP OF MEN WHO WERE REPORTEDLY HIRED BY LOCAL CITIZENS TO DRIVE THE FAMILY OUT. IN A SIMILAR ATTACK IN OCTOBER 1994, A TRAVELER FAMILY OF 14 IN COUNTY WICKLOW HAD THEIR CAR AND TRAILERS FIRE-BOMBED BY LOCAL RESIDENTS. IN JUNE 1995, RESIDENTS IN COUNTY WESTMEATH BLOCKED ONE OF THE COUNTRY'S MAIN ROADS TO PROTEST A DECISION TO MOVE A TRAVELER FAMILY INTO THEIR NEIGHBORHOOD.

THE TENSE RELATIONS BETWEEN THE TRAVELING COMMUNITY AND THE REST OF IRISH SOCIETY LED THE GOVERNMENT IN 1993 TO ESTABLISH A TASK FORCE TO STUDY THE PROBLEM AND MAKE RECOMMENDATIONS. ONE OF THE MAIN RECOMMENDATIONS OF THE TASK FORCE, WHICH ISSUED ITS REPORT IN JULY 1995, WAS THAT "THE DISTINCT CULTURE AND IDENTITY OF THE TRAVELER COMMUNITY BE RECOGNIZED AND TAKEN INTO ACCOUNT,"

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ESPECIALLY IN THE CONTEXT OF THE FORTHCOMING EQUAL STATUS LEGISLATION. WHILE THE GOVERNMENT HAS CONSISTENTLY CONDEMNED VIOLENCE AGAINST TRAVELLERS AND URGED LOCAL AUTHORITIES TO PROVIDE ADEQUATE HALTING SITES AS REQUIRED UNDER THE 1988 HOUSING ACT, IT HAS BEEN SLOW TO ENACT LAWS PROHIBITING DISCRIMINATION AGAINST TRAVELERS. THE TRAVELING COMMUNITY IS SPECIFICALLY ADDRESSED IN THE 1989 PROHIBITION OF INCITEMENT TO HATRED ACT, BUT TO DATE, THERE HAVE BEEN NO PROSECUTIONS UNDER THAT LAW.

SECTION 6: WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE RIGHT TO JOIN A UNION IS PROVIDED FOR BY LAW, AS IS THE RIGHT TO REFRAIN FROM JOINING.

ABOUT 55 PERCENT OF WORKERS IN THE PRIVATE AND PUBLIC SECTORS ARE MEMBERS OF UNIONS. POLICE AND MILITARY PERSONNEL ARE PROHIBITED FROM STRIKING, BUT THEY MAY FORM ASSOCIATIONS TO REPRESENT THEMSELVES IN MATTERS OF PAY, WORKING CONDITIONS, AND GENERAL WELFARE. THE RIGHT TO STRIKE IS FREELY EXERCISED IN BOTH THE PUBLIC AND PRIVATE SECTORS. THE INDUSTRIAL RELATIONS ACT OF 1990 PROHIBITS RETRIBUTION AGAINST STRIKERS AND UNION LEADERS; THE GOVERNMENT EFFECTIVELY ENFORCES THIS PROVISION THROUGH THE DEPARTMENT OF ENTERPRISE AND EMPLOYMENT. IN 1995 THE NUMBER OF STRIKES WAS SIGNIFICANTLY DOWN FROM PAST YEARS.

THE IRISH CONGRESS OF TRADE UNIONS (ICTU) REPRESENTS 66 UNIONS (INCLUDING 20 IN NORTHERN IRELAND). BOTH THE ICTU AND THE UNIONS AFFILIATED WITH IT ARE INDEPENDENT OF THE GOVERNMENT AND OF THE POLITICAL PARTIES. UNIONS MAY FREELY FORM OR JOIN FEDERATIONS OR CONFEDERATIONS AND AFFILIATE WITH INTERNATIONAL BODIES.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

LABOR UNIONS HAVE FULL FREEDOM TO ORGANIZE AND TO ENGAGE IN COLLECTIVE BARGAINING. THE ANTI-DISCRIMINATION (PAY) ACT OF 1974 AND THE EMPLOYMENT EQUALITY ACT OF 1977 MAKE THE EMPLOYMENT EQUALITY AGENCY RESPONSIBLE FOR OVERSIGHT OF ALLEGATIONS OF ANTIUNION DISCRIMINATION. IF THE AGENCY IS UNABLE TO EFFECT RESOLUTION, THE DISPUTE GOES BEFORE THE LABOR COURT, WHICH CONSISTS OF ONE REPRESENTATIVE EACH FOR THE EMPLOYER AND THE UNION, PLUS AN INDEPENDENT CHAIRPERSON. THE UNFAIR DISMISSALS ACT OF 1977 PROVIDES VARIOUS FORMS OF RELIEF IN CASES OF EMPLOYERS FOUND GUILTY

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OF ANTIUNION DISCRIMINATION, INCLUDING THE REINSTATEMENT OF WORKERS FIRED FOR UNION ACTIVITIES.

MOST TERMS AND CONDITIONS OF EMPLOYMENT ARE DETERMINED THROUGH COLLECTIVE BARGAINING, IN THE CONTEXT OF A NATIONAL ECONOMIC PACT NEGOTIATED EVERY 3 YEARS BY "THE SOCIAL PARTNERS," I.E., REPRESENTATIVES OF UNIONS, EMPLOYERS, FARMERS, AND THE GOVERNMENT. THE CURRENT 3-YEAR AGREEMENT, ENTITLED "THE PROGRAM FOR UNCLAS SECTION 09 OF 09 STATE 045335

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COMPETITIVENESS AND WORK," EXPIRES IN 1996. AS USUAL, IT ESTABLISHES STANDARD PAY INCREASES AND FIXES A CAP ON ANY INCREASES SUBSEQUENTLY NEGOTIATED AT LOCAL LEVELS.

THE INDUSTRIAL RELATIONS ACT OF 1990 ESTABLISHED THE LABOR RELATIONS COMMISSION WHICH PROVIDES ADVICE AND CONCILIATION SERVICES IN INDUSTRIAL DISPUTES. THE COMMISSION MAY REFER UNRESOLVED DISPUTES TO THE LABOR

COURT, WHICH MAY RECOMMEND TERMS OF SETTLEMENT AND MAY SET UP JOINT EMPLOYER-UNION COMMITTEES TO REGULATE CONDITIONS OF EMPLOYMENT AND MINIMUM WAGES IN A SPECIFIC TRADE OR INDUSTRY.

THERE IS AN EXPORT PROCESSING ZONE AT SHANNON AIRPORT HAT IS SUBJECT TO THE SME LABOR LAWS AS THE REST OF THE COUNTRY.

C. PROHIBITION OF FORCD OR COMPULSORY LABOR

FORCED LABOR IS PROHIBIED BY LAW AND DOES NOT OCCUR.

D. MINIMUMAGE FOR EMPLOYMENT OF CHILDREN

BY LAW CHILDRE ARE REQUIRED TO ATTEND SCHOOL UNTIL THE AGE OF 15. THE EMPLOYMENT OF CHILDREN UNDER AGE 15 IS GENERALLY PROHIBITED BY THE 1977 PROTECTION OF OUNG PERSONS (EMPLOYMENT) ACT, BUT THOSE AE 14 ARE ALLOWED TO DO LIGHT NONINDUSTRIAL WOR DURING SCHOOL HOLIDAYS WITH THE WRITTEN PERMISSON OF THEIR PARENTS. THEY ARE LIMITED

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TO WORKING 7 HOURS PER DAY AND 35 HOURS PER WEEK. FOR CHILDREN AGE 15, THE LAW LIMITS WORK TIME TO 8 HOURS PER DAY AND 40 HOURS PER WEEK. FOR THOSE AGE 16 OR 17, THE LIMITS ARE 9 HOURS PER DAY AND 45 HOURS PER WEEK. THE DEPARTMENT OF ENTERPRISE AND EMPLOYMENT EFFECTIVELY ENFORCES THESE PROVISIONS.

E. ACCEPTABLE CONDITIONS OF WORK

THERE IS NO GENERAL MINIMUM WAGE LAW, BUT THERE ARE SEVERAL MINIMUM RATES OF PAY APPLICABLE TO SPECIFIC INDUSTRIAL SECTORS, MAINLY THOSE WITH LOWER-THAN-AVERAGE WAGES. ALTHOUGH THE LOWEST OF THESE MINIMUM WAGES WOULD NOT BE SUFFICIENT TO PROVIDE A DECENT LIVING FOR A FAMILY OF FOUR, LOW-INCOME FAMILIES ARE ENTITLED TO ADDITIONAL BENEFITS SUCH AS SUBSIDIZED HOUSING AND CHILDREN'S ALLOWANCES.

THE STANDARD WORKWEEK IS 39 HOURS. WORKING HOURS IN THE INDUSTRIAL SECTOR ARE LIMITED TO 9 HOURS PER DAY AND 48 HOURS PER WEEK. OVERTIME IS LIMITED TO 2 HOURS PER DAY, 12 HOURS PER WEEK, AND 240 HOURS IN A YEAR. THE DEPARTMENT OF ENTERPRISE AND EMPLOYMENT IS RESPONSIBLE FOR ENFORCING FOUR BASIC LAWS DEALING WITH OCCUPATIONAL SAFETY THAT PROVIDE ADEQUATE AND COMPREHENSIVE COVERAGE. THERE WERE NO SIGNIFICANT COMPLAINTS FROM EITHER LABOR OR MANAGEMENT REGARDING ENFORCEMENT OF THESE LAWS. RECENT

REGULATIONS PROVIDE THAT EMPLOYEES WHO FIND THEMSELVES IN A SITUATION THAT PRESENTS A "SERIOUS, IMMINENT AND UNAVOIDABLE RISK" MAY ABSENT THEMSELVES WITHOUT THE EMPLOYER BEING ABLE TO TAKE DISCIPLINARY ACTION.

(END TEXT OF REPORT.)

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