

Ireland

Country:

[Ireland](#)

Year:

2016

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

96

Freedom Rating:

1.0

Overview:

The government agreed in 2015 to only 4 of the 38 recommendations made the previous year by Ireland's first Constitutional Convention, a body of citizens and political representatives tasked with debating and proposing changes to the country's constitution. A referendum on two of the recommendations took place in May: marriage equality for same-sex couples, which was endorsed, and lowering the minimum age for presidential candidates from 35 to 21 years, which was rejected. The government has also promised a referendum on the recommendation to remove the offense of blasphemy from the constitution, and has committed to establishing an electoral commission.

Sinn Féin's strong performance in both European Parliament (EP) and local elections in 2014 fueled speculation that the party was gaining momentum ahead of general elections scheduled for 2016, although a September 2015 poll showed a dip in its support.

Political Rights and Civil Liberties:

Political Rights: 39 / 40 [Key]

A. Electoral Process: 12 / 12

The parliament (Oireachtas) in Ireland consists of a lower house (the Dáil), whose 166 members are elected by proportional representation for five-year terms, and an upper house (the Seanad, or Senate) with 60 members, 11 appointed and 49 elected by various interest groups. The Senate is mainly a consultative body, with members serving five-year terms. The prime minister, or taoiseach, is chosen by the parliament. The president, whose functions are largely ceremonial, is directly elected for a seven-year term. Elections in Ireland are free and fair.

The most recent parliamentary elections took place in 2011. The Fine Gael party won 76 seats in the lower house and, lacking a majority, entered into a coalition with the Labour Party, which took 37 seats. The Fianna Fáil party captured only 20 seats. Sinn Féin won 14 seats, while independents and two smaller parties took the remainder. The Green Party failed to capture seats. Enda Kenny of Fine Gael was elected prime minister.

Following the Constitutional Convention's 2014 recommendations concerning the electoral process, the government committed to establishing an electoral commission after the next elections, but abandoned plans to hold a referendum on the recommendation to lower the voting age to 16. The government did not endorse recommendations to provide the Irish diaspora with greater voting rights or to adjust Dáil electoral procedures.

In EP elections held in May 2014, Fine Gael won four seats, while Sinn Féin followed with three, Fianna Fáil took one, and independents captured the remaining three. In local elections held on the same day, Sinn Féin won 159 of 949 contested seats, a gain of 105 seats since 2009. That put the party in third place behind Fianna Fáil and Fine Gael, which remained the leading parties at the local level, while Labour came in fourth, sustaining heavy losses.

B. Political Pluralism and Participation: 16 / 16

Ireland's two main parties—Fianna Fáil and Fine Gael—do not differ widely in ideology but represent the successors of opposing sides in the nation's 1922–23 civil war. Other key parties include the Labour Party, Sinn Féin, and the Green Party.

Fianna Fáil dominated politics after Ireland became independent, holding power for 61 out of 79 years before it was ousted in 2011 due to corruption scandals and mismanagement of the 2008 economic crisis. With two-thirds of the seats, Enda Kenny's Fine Gael–Labour coalition held the largest parliamentary majority in Ireland's history. A September 2015 poll showed a jump in support for Fine Gael and Labour and a decline for Sinn Féin.

Ethnic and other minorities are free to participate in politics, though a 2014 University College Dublin report found that political parties were putting less effort into attracting immigrant candidates than in previous election cycles.

C. Functioning of Government: 11 / 12

Elected officials freely determine government policy. However, corruption—including cronyism, political patronage, and illegal donations—is a recurring problem. An anticorruption bill first proposed in 2012—the Criminal Justice (Corruption) Bill—had yet to be enacted as of 2015. Among other provisions, it would establish a new corporate offense of bribery, a new presumption of corrupt enrichment if public officials display a standard of living above that of their stated assets and interests, and increased penalties for politicians found guilty of corruption, including banning them from holding office for up to 10 years.

In late 2015, a commission investigating the illegal taping of telephone calls at police stations cleared the prime minister of allegations that he had unlawfully ordered the police commissioner to resign in 2014, but it criticized the government's failure to maintain proper records of its decision making.

The government has also been criticized for failing to consult meaningfully with civil society groups and all relevant stakeholders in the formulation of policy, particularly regarding Roma, Travelers,

and persons with disabilities.

In accordance with the Regulation of Lobbying Act, adopted in March 2015, the government prepared a Transparency Code to require open records on the groups and individuals that advise public officials on policy. The public has broad access to official information under the 2014 Freedom of Information Act, though partial exemptions remain for the police and some other agencies.

Civil Liberties: 57 / 60 (-1)

D. Freedom of Expression and Belief: 16 / 16

Irish media are free and independent, and print media present a variety of viewpoints. The state may censor material deemed indecent or obscene. Many news outlets have closed in recent years as a result of falling advertising revenue. In October 2014, the government announced plans to hold a referendum on removing the offense of blasphemy from the constitution and repealing the 2009 Defamation Act, which made blasphemy punishable by heavy fines. Internet access is unrestricted.

In January 2015, former *Independent* journalist Gemma O'Doherty received compensation and an apology after being fired in 2013 for her investigation of the police commissioner's manipulation of penalty points on his driving license.

Freedom of religion is constitutionally guaranteed. Although the country is overwhelmingly Roman Catholic and religious oaths are still required from senior public officials, there is no state religion, and adherents of other faiths face few impediments to religious expression. In recent years, Ireland has faced a notable decline in religiosity following a series of sexual abuse scandals linked to clergy in the Catholic Church.

Academic freedom is respected. The Catholic Church operates approximately 90 percent of Ireland's schools. Most schools include religious education, although parents may exempt their children from it. The constitution requires equal funding for schools run by different denominations. There has been increasing public opposition in recent years to religious education in Irish schools, particularly the power of state-funded Catholic schools to refuse admission to non-Catholic students.

There are no significant impediments to open and free private discussion, including in personal online communications.

E. Associational and Organizational Rights: 12 / 12

The rights of public assembly and demonstration are respected. Protests against government austerity measures continued in 2015. In August, tens of thousands of protesters opposed to water fees demonstrated in Dublin.

Freedom of association is upheld, and nongovernmental organizations (NGOs) can operate freely. Labor unions operate without hindrance, and collective bargaining is legal and unrestricted.

F. Rule of Law: 14 / 16 (-1)

Ireland has an independent judiciary and a legal system based on common law. In 2014 the government established a new body—the Court of Appeal—to occupy a tier in the judicial system between the High Court and the Supreme Court. The new court is composed of a president and nine judges and aims to ease the Supreme Court’s backlog.

The Irish police service, known as An Garda Síochána (Garda), has endured a number of scandals in recent years. The Fennelly Commission, which published two interim reports in 2015, investigated 2014 allegations that some Garda stations had illegally taped telephone calls. The Garda were also accused of routinely wiping penalty points from driving licenses, including those belonging to police officers and Garda commissioner Martin Callinan, who resigned in March 2014. In March 2015, the Garda Síochána (Amendment) Act was passed to strengthen the independence and effectiveness of the Garda Síochána Ombudsman Commission.

Irish prisons and detention facilities are reportedly dangerous, unsanitary, and overcrowded. In February 2015, the inspector of prisons announced a review of the culture of the Irish Prison Service to augment other ongoing reform efforts. In November, the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment published a report that criticized the continued lack of toilet access in some cells, as well as inadequate health care.

The Irish Travellers, a traditionally nomadic group of about 29,500 people, face discrimination in housing and hiring. There are concerns that people with disabilities are persistently institutionalized and have suffered a severe reduction of social benefits as a result of the government’s austerity program. Irish law prohibits discrimination based on sexual orientation, but some social stigma against LGBT (lesbian, gay, bisexual, and transgender) people persists in Ireland. In December 2015, the parliament passed legislation to curtail an exemption that allowed health and educational institutions run by religious entities to practice employment discrimination on religious grounds, for example on the basis of sexual orientation.

The asylum application process is complex, and asylum seekers are housed for lengthy periods in poor living conditions. In December 2015, President Michael Higgins signed the International Protection Bill into law. The legislation aims to simplify and expedite asylum procedures, although there are concerns that it focuses on enabling deportations rather than properly identifying and processing asylum cases.

G. Personal Autonomy and Individual Rights: 15 / 16

There are no restrictions on travel or the ability to choose one’s place of residence. Private businesses are free to operate, and property rights are generally respected.

Discrimination in the workplace on the basis of gender is illegal in Ireland. However, gender inequality in wages persists. A 2012 law requires political parties to impose gender quotas in future elections, but women remain underrepresented in the public and private sectors. Domestic and sexual violence against women is a serious problem. There is no comprehensive data-collection system on violence against women, and access to support for victims is particularly difficult for marginalized and immigrant women.

Abortion is highly restricted in Ireland. A 2013 law granted limited abortion rights in cases where a woman’s life is at risk, but abortion otherwise remains criminalized with a penalty of up to 14 years’ imprisonment. The constitution acknowledges “the right to life of the unborn.”

In May 2015, referendum voters approved the extension of marriage rights to same-sex couples. The constitution was duly amended in August, and the Marriage Act, which provided for same-sex

marriages, was signed in November. In April, the Children and Family Relationships Act extended adoption rights to same-sex as well as cohabiting couples. In July, the parliament passed the Gender Recognition Act, allowing transgender individuals to obtain legal recognition without medical or state intervention, and—for married transgender people—without divorcing.

A series of official inquiries in recent years have detailed decades of physical and emotional abuse—including forced labor—against women and children in state institutions and by Catholic priests and nuns, as well as collusion to hide the abuse. In January 2015, a commission began an investigation into abusive conditions in Mother and Baby Homes between 1922 and 1998.

Although the government works to combat human trafficking and protect victims, undocumented migrant workers remain at risk of trafficking and labor exploitation.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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