Thank you Mr President.

I would like to thank the Special Rapporteur on Human Rights Defenders, Mrs Margaret Sekaggya for having undertaken a mission to Ireland. This was the first such visit to an EU Member State and Ireland appreciated this visit given the particular importance we attach to Human Rights Defenders.

Ireland has extended a standing invitation to all Special Procedure mandate holders.

I would like to take this opportunity to reiterate Ireland’s strong support for the mandate of the Special Rapporteur. The protection of human rights defenders and promotion of their work has been a long standing priority for Ireland. Their work is indispensable in enabling civil society to grow and flourish.

Ireland would like to express its appreciation to the Special Rapporteur for having provided the relevant Irish authorities with the opportunity to engage in consultation with her on measures taken in Ireland to create an enabling environment for human rights defenders, as well as initiatives taken by Ireland to support the protection of human rights defenders internationally. Ireland therefore would also like to thank the Special Rapporteur for her Report, which is being carefully considered by the Irish Government. Today I would like to make some initial observations on the Report.

The new Irish Human Rights and Equality Commission will be a keystone in the promotion and protection of human rights in Ireland. With the merger of the Irish Human Rights Commission and the Equality Authority into the new Irish Human Rights and Equality Commission, the Government wishes to create a new body that is greater than the sum of its parts. In relation to the Special Rapporteur’s comments regarding the scope of the mandate,
it is intended to have a wide mandate as possible, both in promoting and protecting human rights. It is proposed to establish the new institution with enhanced powers and functions so that both in the way it is constituted and in the way it operates, it is fully and unequivocally in compliance with the Paris Principles. Legislation is currently being prepared and it will make clear the importance of civil society engagement with the new Commission.

The Special Rapporteur’s report correctly reflects that under the Irish Constitution, the terms of treaties to which the State becomes party are not automatically incorporated into domestic law. Ireland is one of many UN Member States that follow this dualist tradition and therefore we are surprised at the Special Rapporteur’s concern that this approach “may hinder Ireland’s compliance with obligations contained within international agreements to which it becomes a State Party.” This statement could create a false impression by seeming to cast doubt not only on Ireland’s commitment to fulfilling its international obligations, but also on a legal system common to many UN Member States. I would, therefore, like to state with absolute clarity that Ireland places great importance on complying with our obligations under international agreements. Irish treaty practice requires that the State be in a position to fully and in every respect meet such obligations from the moment a treaty enters into force for Ireland.

The Special Rapporteur has expressed concern regarding protests and demonstrations over environmental issues surrounding the development of the Corrib Gas Project. In the policing of such demonstrations, the Garda Síochána (the Irish police force) have a duty to ensure as far as possible that the peace is preserved, public order maintained and that lives and property are protected. The Special Rapporteur may wish to note that in recognition of the need for a sensitive and comprehensive response in handling crowd protest or civil disobedience, training is undertaken by the police, including on the use of force which is in line with international human rights law. Although 85 individual complaints of alleged misconduct by members of the Gardaí were investigated by the Garda Ombudsman Commission, no charges were brought by the independent Director of Public Prosecutions against any members of An Garda Síochána. The Irish authorities believe that allegations concerning the Corrib Gas Project need to be clearly based on facts and arrived at on the basis of careful examination.
In relation to the reported practice of withdrawal or dismissal of cases, the Courts in Ireland are subject to the Constitution and the rule of law and are completely independent in their judicial functions. A decision to dismiss a case is taken by an independent Judge. A sentence is handed down by the Court, guided by previous jurisprudence, following either a guilty plea or after a public trial during which defendants have ample opportunity to put forward their case.

The Special Rapporteur has noted the introduction of the General Scheme of Protected Disclosure in the Public Interest Bill in 2012 to protect persons reporting corruption in the workplace, otherwise known as whistle blowers. As with other legislative proposals, a wide consultation process has been undertaken, including parliamentary scrutiny. As part of the legislative drafting, detailed discussion is being held around some of the issues referenced by the Special Rapporteur in her Report, including anonymous disclosure, ensuring confidentiality and defining “good faith”. Ireland ratified the UN Convention against Corruption 2011 and legislation relating to whistleblowers will of course comply with our obligations under than Convention.

Mr President, Ireland welcomes the Special’s Rapporteur’s conclusion that human rights defenders in Ireland work in a conducive and enabling environment. We would, in due course, appreciate any practical suggestions the Special Rapporteur might have on how to increase public awareness on the role of defenders and the 1998 Declaration. Ireland looks forward to continued engagement and cooperation with the Special Rapporteur.

Thank you Mr President.