**Draft Guidelines on the effective implementation of the rights participate in public affairs**

**(Human Rights Council resolution 33/22)**

Response by Ireland

February 2018

Protecting civil society space requires the fulfilment of the rights of peaceful assembly, association, opinion and expression, both online and offline. Ireland is a strong supporter of the promotion and protection of civil society space; demonstrating this by taking the lead on a resolution at the Human Rights Council in 2013 which, for the first time, addressed the issue as a human rights concern.

Examples of best practice and suggestions of elements Ireland would like to see included in the draft guidelines are outlined below.

**Civil society engagement: Examples of best practice**

1. ***Department of Foreign Affairs and Trade NGO Standing Committee on Human Rights and Civil Society Forum***

The Department of Foreign Affairs and Trade NGO Standing Committee was established in 1997 and comprises of representatives of the Department, the Department of Justice and Equality, and a cross-section of representatives from civil society and human rights experts. It meets approximately four times per year and provides a formal framework for an exchange of views on human rights policy issues. Civil society organisations are invited to make nominations to the Committee, and representatives are subsequently appointed by the Minister of Foreign Affairs and Trade to serve a three-year term.

Since 1998, an annual Civil Society Forum on Human Rights has been organised by the Department of Foreign Affairs and Trade. The Forum provides an opportunity for civil society to engage and exchange information and views on selected human rights issues.

This year’s Forum, in June, will focus on the theme “70th year anniversary of the Universal Declaration on Human Rights.” The 2017 Forum, which dealt with the theme “Making a difference: the positive role of women in advancing human rights”, saw over 200 representatives from civil society attend. The representatives participated in panel discussions with speakers ranging from activists working to improve conditions in local communities to those advocating at an international level.

1. ***The Citizens’ Assembly***

The Citizens’ Assembly was established by the Government in 2016 to consider some of the most important questions facing the country: responding to an ageing population; the Eighth amendment to the Constitution (abortion); fixed term parliaments; the holding of referenda; and climate change. The Assembly comprises a Chairperson, Judge Mary Laffoy, and 99 citizens randomly selected so as to be broadly representative of Irish society. Politicians do not participate. The Assembly’s conclusions on each topic will form the basis of individual reports and recommendations that will be submitted to the Houses of the Oireachtas (Parliament) for further debate by our elected representatives. The Assembly is an exercise in deliberative democracy which places the citizen at the heart of important legal and policy issues in Ireland.

The Citizens’Assembly has recently made recommendations on the 8th Amendment to the Constitution and how we hold referenda. In June 2017 the Chair of the Assembly, the Honourable Mary Laffoy, presented the Report on the 8th Amendment to the Oireachtas. The Report contained a number of recommendations relating to the repeal of the 8th Amendment and the legalisation of abortion in Ireland. In January 2018 the Citizens’ Assembly voted and made recommendations on the manner in which we hold referenda. These recommendations covered a number of areas including history of referenda in Ireland, regulations surrounding a referendum, and turnout.

1. ***Engagement on Business and Human Rights***

The Department of Foreign Affairs and Trade Ireland launched its first National Plan on Business and Human Rights in November 2017. The consultation process was extensive and comprehensive. The Department’s annual NGO Forum on Human Rights in November 2014 provided the first opportunity for an exchange of views among business leaders, civil society representatives, trade unions and academics. Further consultations took place during 2015, 2016 and early 2017. The Department is now in the process of setting up the implementation group and hopes to have this completed by the end of Quarter 1 of 2018.

**Suggestions for inclusion in the draft guidelines:**

1. ***Non-Discrimination***

Existing international human rights treaties provide legally binding guarantees of human rights for all. Despite this, legal measures are increasingly being employed as a means of discriminating against individuals and groups. This is based on criteria such as gender, sexual orientation or gender identity, race and religion. The principle of non-discrimination is key to equal participation in political and public affairs.

Recent positive developments in addressing discrimination and equality issues in Ireland include the same-sex marriage referendum in 2015, when Ireland became the first country in the world to introduce same-sex marriage by popular vote. The historic referendum resulted in the 34th amendment to the Irish Constitution, extending civil marriage rights to everyone.

In March 2017 the Irish Government formally recognised the Traveller Community as a distinct ethnic group. The status had long been sought by members of the Traveller community. Recognition has been called for by a number of UN Committees, including the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child, as well as during Ireland’s Universal Periodic Review in 2016. This is an example of working towards implementing accepted periodic review recommendations, as outlined in HRC resolution 33/22.

In 2018 Ireland will chair the Bureau of the Commission on the Status of Women. This gives a further platform to promote non-discrimination based on gender.

National Human Rights Institutions play a key role in addressing discrimination. In Ireland, the statutory-based Irish Human Rights and Equality Commission works towards the elimination of discrimination and the promotion of equal opportunities. It is tasked with providing information and advice to persons who consider themselves discriminated against on any of the nine grounds in employment or non-employment situations.

Ireland is committed to promoting equality in all aspects of Irish society, and we believe that this should be an essential part of the guidelines.

1. ***Freedom of expression***

Freedom of expression, both online and offline, is essential in a society which strives to be equal and diverse. Freedom of expression is enshrined in the Irish Constitution. This freedom needs to be protected. In terms of freedom online, we consider that actions that restrict freedom of expression such as imposing generic bans on entire platforms or websites, rather than targeting specific unlawful content, is unacceptable.  We maintain that all Government actions taken, that may appear to impinge in any way on online freedom of expression should be open, transparent and fully compliant with international human rights law. Ireland is a member of the Freedom on Line Coalition.

1. ***The protection of Human Rights Defenders***

In order to ensure a safe and enabling civil society, it is essential that human rights defenders can operate in an environment free from reprisals. Ireland is very concerned about the increasingly challenging environment in some states, which have led to stigmatisation, harassment, and even criminalisation of civil society actors. We are particularly disturbed at increasing reports of reprisals aimed at discouraging human rights defenders from interacting with international human rights protection mechanisms. This is a timely reminder of the challenges HRD face, in view of the 20th Anniversary of the Universal Declaration on Human Rights Defenders. The work we do with Front Line Defenders in particular is a very practical demonstration of our support for HRD’s