

Panel on the importance of the promotion and protection of civil society space

11 March 2014

Ireland Statement

Thank you Mr President.

We warmly welcome the holding of this debate on one of the most significant human rights concerns facing us today for the first time in the Human Rights Council and we would like to sincerely thank the panellists for their valuable insights. As Mr. Trifi has so eloquently set out; drawing on the experience in Tunisia, where civil society space is compromised, the capacity of the State to ensure respect for human rights and to respond to humanitarian, economic or other crises is severely weakened. It is impossible to condense civil society to a listing of actors or areas of work, but its activities go far beyond the realisation of human rights and are fundamental to peace and security, as well as development. Civil society advances the purposes and principles of the United Nations.

We agree with Mr la Rue when he said that while all rights are equal, some facilitate the exercise of others. And so, when speaking about civil society space, we are talking about the fulfilment of the rights of peaceful assembly, association, opinion and expression, online and offline, which enable civil society actors to carry out their work. It is the primary responsibility of States to promote and protect these rights and to be accountable to their citizens. Therefore, national legislation should facilitate the work of civil society. Ethical, religious or cultural values should never be used as a justification for putting in place national legislation which undermines the universality of human rights. And while everyone should respect national legislation, that legislation should be consistent with international human rights law and should facilitate civil society to operate in a safe and enabling environment.

It is deeply disturbing that in some countries, national legislation and other measures do not fully protect the rights and fundamental freedoms of civil society actors. In some cases, provisions, such as those relating to national security, public morals, defamation, funding and regulation of the internet, have led to the harassment, stigmatisation and criminalisation of civil society actors. This is why we are having this discussion today. The full enjoyment of human rights and fundamental freedoms by civil society actors is not being realised and they are particularly at risk because of their work. The promotion and protection of civil society

space is absolutely not about granting civil society actors new or additional rights, but rather is aimed at ensuring that they can enjoy the same human rights to which everyone is entitled.

It is vital that Governments see civil society as an asset, not as a threat. More engagement and inclusive participation can only cultivate democracy, enhance the promotion and protection of human rights, prevent violations and abuses, and foster social and economic development. We all have a responsibility to respect human rights and to protect those who advocate for them.

To conclude, we would be interested in the views of the panellists on what civil society and the international community - including of course this Council - should do where national legislation contradicts international human rights law.