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Informal Report on Proceedings

“Ideals and Interests: The Place of Human Rights in Foreign Policy”

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Plenary Panel 1:

Human Rights in Foreign Policy: Reconciling human rights and political, economic and development interests

What are the complexities of reconciling ideals with political, economic and development interests in the daily reality of foreign policy formation and practice? Are ideals and interests regarded as compatible in practice and how is this complex relationship managed? How best can states which have traditionally embraced human rights norms engage with emerging powers which have not?

Ambassador Patricia O'Brien, Permanent Representative of Ireland to the UN in Geneva, introduced the panel members.

Ambassador Daniel Baer, Permanent Representative of the United States to the Organisation for Security and Cooperation in Europe opened the discussion by arguing that the debate should not focus on *how to reconcile* human rights policy objectives with political, economic and development objectives – but rather that human rights *underpins* the achievement of all foreign policy objectives. Human Rights are the long-term strategy for the fulfilment of all three objectives. In terms of political objectives, assuming that our primary political objective is a peaceful world, the only reliable formula for long-term peaceful coexistence is a community of democratic rights respecting states that live in harmony. In terms of economic objectives, the single biggest problem in the developing world is corruption. There is still a lack of standalone policy tool to address corruption; the only formula which has successfully addressed corruption is the protection of human rights and fundamental freedoms so that journalists and civil society can carry out their functions effectively. This is particularly relevant in terms of online freedom. In terms of development, human rights should be an objective of development and something that reinforces sustainable development progress. Therefore, human rights are the long-term strategy for all of these - 'the rest is just tactics' and it is in tactics that we run into challenges.

Ambassador Baer cautioned against dividing states into those which have 'traditionally' embraced human rights norms, with emerging powers which have not. He argued that human rights are central to the interests of every society, that human progress is not linear and that challenges will arise. The realisation of human rights is a constant process. Ambassador Baer asserted that every state engages with human rights norms, even if in different forms, languages and at differentiated levels of society. Furthermore, Ambassador Baer highlighted three shifts that the international community needs to be mindful of. Firstly, the shift from the ideal to the practical (which needs to be consistent with long-term interests if additionally also bringing economic benefits). Secondly, the shift from focussing solely on a conversation among governments to recognising that we should be engaging in a conversation about peoples. The international community must remain mindful that the human rights conversation is about empowering people and people need to remain at the centre of the discourse. Thirdly, the local must have access to the global. There is a need to better link local initiatives with global efforts. States should not shy away from talking about *real* people in *real* places and that engagement shouldn't be confused with compromise. Government officials should also spend some time thinking about how they should engage internally, not only to set example but also to share knowledge and information with other governmental partners and counterparts.

Professor Brendan Simms, Professor of the History of International Relations, Cambridge University

Professor Simms began by highlighting two of the questions posed in the NGO Forum Agenda, namely “Are ideals and interests regarded as compatible in practice and how is this complex relationship managed?” and “How best can states which have traditionally embraced human rights norms engage with emerging powers which have not?”, noting that his intervention would be aimed towards casting some historical light on these questions. In relation to the first question, Professor Simms noted that we are confronted with a problem of a perception of asymmetry and double-standards. The narrative in the South is that the West has pursued a policy of Westphalian state sovereignty in the past until the 1990s when the West changed its approach through the introduction of doctrines such as R2P (Responsibility to Protect) and other devices. This narrative is accompanied by the view that intervention is something that the west does to the ‘South’. This concept of Westphalian state sovereignty is however an illusion, in that the Treaty of Westphalia was predicated on the idea that German princes could *not* do as they wished within their own territories; therefore the Treaty laid down religious rights for minorities and made provision for intervention if those rights were not protected. Therefore there is very little that the West has done in the past to the South that it did not already do to itself. Therefore, there is no inconsistency or double-standard present.

As to the second question, Professor Simms highlighted that the tension between ideals and interests has a long history. In terms of the more recent past, and particularly the case of Bosnia, the initial British stance was very much a ‘realpolitik’ stance i.e. that the ongoing displacements and ethnic cleansing were not a matter of national concern, that the humanitarian and strategic interests could be separated. This however very quickly became a matter of credibility, particularly amongst actors like NATO and the EU and that in fact, intervention was required in order to ensure continued stability of the continent. There has been a similar phenomenon in relation to the Middle East in the last years where a realpolitik stance was taken until such point as the repressive states concerned no longer delivered a seeming sense of stability. With this in mind, it is clear that there have been and always will be a tension between ideals and interests in theory but in practice realpolitik has never been enough to secure our interests and at times, it is not even very realistic.

June Ray, Chief, Civil Society Unit, Office of the United Nations High Commissioner for Human Rights

Ms. Ray highlighted the challenges of compartmentalizing human rights/political/economic development policy objectives. She advocated for a human rights based approach to all foreign policy objectives. Ms. Ray stressed that human rights are *more* than ideals, that a comprehensive human rights legal framework is already in place and states are *bound* to uphold Human Rights Treaties. Clear legal frameworks need to underpin all policy – respecting them is *not* negotiable or discretionary. However, compliance with human rights obligations requires commitment and capacity, which States must work together to strengthen.

Ms. Ray further drew attention to the *UN Guiding Principles on Business and Human Rights* and acknowledged that while this is only a starting point, there would be challenges in implementation but that Governments have a responsibility to respect human rights ideals while supporting business

interests and that corporate actors must be tempered by ethical considerations in their pursuit of business interests, not only because of moral duty, but also because it's good business practice, for reputational and other reasons and civil society organisations can continue to build towards their ideals while counting on the cooperation of the other two sectors and bringing pressure to bear where necessary.

The enjoyment of all human rights - civil, cultural, economic, political and social – is essential for development. Resolutions at the HRC, adopted by consensus, are having a positive impact on human rights dialogues. Strong international standards coupled with cross regional engagement can strengthen the human rights agenda. Ms. Ray echoed the view of Ambassador Baer that states should not be afraid to be outspoken on human rights abuses and drew attention to the importance of civil society in the human rights debate. She cautioned against the worrying trend of shrinking civil society space in some countries.

Dr. Stephen Humphreys, Associate Professor, International Law, London School of Economics

Plenary Panel 1: Questions and Answers

In response to a question as to what extent the discourse of human rights can actually conceal true political agendas, **Ambassador Baer** highlighted that human rights, while having started as a political project approximately 70 years ago, has been remarkably successful in that it has become a language of power in global politics. This was not a given when the UNDHR was originally drafted; in this sense, it is astounding how meaningful a position human rights is afforded in international discourse. **Ambassador O'Brien** noted that inconsistent application is not a reason to negate the value of the progression of human rights. The success of human rights is particularly visible when viewed in the context of accountability and enforceability of accountability for grave violations of human rights, including crimes against humanity, war crimes and genocide. It is only in the last twenty years that we have such a concept of international justice and international accountability mechanisms. We must therefore bear in mind the relative 'youth' of what we are dealing with and give it a chance. **Ms. June Ray** noted that there is no room for complacency but it is necessary to recognise how far the human rights framework has come. Even thirty years ago, human rights would simply be ignored by States, nowadays the majority of States engage at some level with human rights. The Universal Periodic Review mechanism is one example of this engagement.

Hossam Bahgat of Egyptian Initiative for Personal Rights, Cairo, introduced the idea of 'idealists' versus 'realists' classifying the majority of panellists as 'idealists', even often within their own departments. He argued that it is not a conflict between ideals and interests, it is a conflict as to how 'interests' are defined. In many cases, it is not human rights interests which are prioritised. He asked, with this in mind, how do you manage these issues in your own decision-making circles? In response to his questions, a discussion regarding the perceived diverging views of the 'idealist' versus the 'realist' in relation to how human rights policy objectives are situated foreign policy discourse ensued. **Professor Simms** argued that realism is no longer 'realistic'. **Ambassador Baer** argued that the debate should not be viewed through these dichotomous ideologies but rather the issue is more to do with a timeline for progress in relation to human rights – *'the global human rights strategy is clear – it's more of a disagreement over tactics.'* Engagement of civil society in this regard is also crucial.

In a response to a question on the recent election of Saudi Arabia as a member of the Human Rights Council (HRC), **Ambassador Baer**, appealed to Member States not to trade votes for the HRC elections as it undermines the credibility of the HRC. Trading votes makes competitive elections impossible. This is something which European citizens could advocate their governments to refrain from doing.

In response to a question in relation to the situation of human rights in the Democratic Republic of Congo and the severe challenges surrounding rape and sexual violence **Ambassador Baer** responded that while the international community has not succeeded in helping to end the ongoing decades of conflict in the Great Lakes region, this does not mean that efforts have not been made. For example, the Security Council passed a resolution condemning rape as a weapon of war and UK Prime Minister Cameron has made it a flagship of UK policy.

In summary, **Ambassador O'Brien** remarked upon the very rich discussion which had taken place during the panel's discussions. Some of the many points highlighted by the panel included the vital role of multi-lateral action, whether through the UN Human Rights Council, the General Assembly,

the OSCE or the Council of Europe; the formulation of the post-2015 agenda and the increasing level of awareness of the contribution that human rights can make to development; the agreement amongst panellists as to the inter-relatedness of political, business and human rights interests despite the difficulty in ensuring their alignment in practice.

Plenary Panel 2:

Human rights in foreign policy: Moving from policy aspirations to outcomes

How successful have States been in translating policy aspirations on human rights into practical improvements in the protection of human rights on the ground? What is the relationship between 'high politics' and the international processes and structures established for the protection of human rights? How has the European Union sought to conduct its human rights diplomacy and how has the relationship between the action of the Union and that of individual member States assisted tangible outcomes? The Department of Foreign Affairs and Trade is undertaking a review of Ireland's foreign policy and external relations. How can Ireland continue to make a contribution through its human rights diplomacy?

Daithí Ó Ceallaigh, Chairman, Press Council of Ireland introduced the panel members.

Hans Dahlgren, former Human Rights Ambassador of Sweden

Mr Dahlgren began by posing the question of what exactly has been achieved in the 65 years since the pronouncement of the Universal Declaration of Human Rights. While there have certainly been many improvements in the conditions of the world's people, including a greater prevalence of free and fair elections, fewer dictators, a reduction in poverty and fatal diseases, and the successful campaign against the death penalty, it is not necessarily clear that these achievements have been the result of policy being translated into action by States.

Mr Dahlgren then turned to the UN Human Rights Council in an attempt to assess its impact. The Council, he averred, served an important role in shaping norms and principles and raising awareness, and the effect of its words should not be understated, providing human rights defenders with an indication that the outside world supports their cause. Mr Dahlgren highlighted the work of Dr. Ahmed Shaheed, the UN Special Rapporteur on human rights in the Islamic Republic of Iran, in this regard. The effect of the actions of the Human Rights Council should not be overstated however, and the casualty toll in Syria of over 100,000 gives the lie to the claim that the resolutions of the Council are having any major impact on that conflict. The importance of human rights has nevertheless increased at the UN in recent times, however; a practical example is the doubling of the OHCHR budget by Kofi Annan during his term as UN Secretary-General, while a more conceptual example is the tortuous development of the Responsibility to Protect (R2P). To actually implement this responsibility would be a great step towards translating aspirations into action. The Security Council's decision in 2011 to act on the systematic violation of human rights in Libya was a good example, while its inaction in Syria is the opposite.

Mr Dahlgren concluded by recalling that there is little scrutiny in the UN system of the weak human rights protection in its most populous member state. He opined that even if there is selectivity, that does not mean that one should do nothing, just because one cannot do everything. The role of civil society in advancing information, in raising awareness and in holding governments accountable, all over the world, is vital in that respect.

Professor Ben Tonra, Professor of European Foreign Security and Defence Policy/Associate Professor of International Relations, University College Dublin

Professor Tonra noted that in much traditional academic analysis of foreign policy, the consideration of human rights is at best marginal and at worst irrelevant. The analysis of human rights as a core foreign policy concern is viewed in many of these quarters as being little more than a modish fad and one which too often ignores the core foreign policy interests of power, security and economic self-interest. But some academics do see human rights as fitting within a foreign policy framework. Key outputs of a foreign policy that is informed by human rights include; engagement in multilateral diplomacy and institutions, a strong bilateral relations framework, a strong commitment to overseas development and fair treatment of refugees. In short, the markers of such a foreign policy are commitment, credibility, consistency and catalytic capacity.

Professor Tonra then sought to provide answers to the various questions that the panel had been asked to consider. First, he noted that over time the states within the international system have extended and expanded their normative assumptions underpinning inter-state relations. This can be seen in the context of the development of the Responsibility to Protect Doctrine, the recent Arms Trade Treaty and agreement on the Convention on Cluster Munitions. At the same time, however, we are still missing a deeper instantiation of these norms and ideas, and their consistent application through enforced rules of international behaviour.

Secondly, Professor Tonra suggested that a hierarchy still exists whereby an impoverished notion of security trumps human rights. As a result we must challenge that impoverished notion and insist upon a redefinition of security. To do so, we must look at the long term trends within international security and include human rights and sustainability in that evolving definition. Thirdly, he described the European Union as being schizophrenic. On the one hand it seeks to present itself as a postmodern, post-Westphalian, Kantian peace actor. Yet on the other hand, there is a widespread expectation that in order to be more 'effective' the Union must pursue the development and integration of a shared military capacity within a very traditional policy making structure, including a proto "foreign minister", etc. In these respects, it is pursuing the model of a traditional power-motivated, Westphalian state. There is also insufficient gearing between the individual foreign and security policies of the Member States and those of the Union as a whole. Member States still have varying priorities and normative assumptions so that progress towards a single, empowered and coherent human rights diplomacy has been minimal.

Finally, **Professor Tonra** stated that the Department of Foreign Affairs and Trade needs to ensure that Ireland matches its international actions with its domestic ones. One of the highest correlations of a strong and effective human rights foreign policy is a strong domestic policy on human rights and in particular on gender rights and the domestic treatment of refugees and asylum seekers. States with strong domestic human rights policies tend to be effective, respected and high-capacity international human rights actors. While the Department of Foreign Affairs and Trade (DFAT) has very good branding in this respect and has developed 'bits of the puzzle', it still lacks an overarching foreign policy architecture to give it greater coherence and effectiveness. The concept of 'human security' may be useful here. It certainly needs to have a human rights approach to foreign policy that includes more innovation and experimentation, especially in bilateral relations. Furthermore, action needs to come from the bottom by empowering citizens both at home and abroad to act in support of human rights. Member States like Ireland have the capacity to do this and have done so before.

Barrie Robinson, Political Director, Department of Foreign Affairs and Trade, Dublin

Mr Robinson began by noting that the forces at play in an increasingly shrinking, complex and interconnected global environment are working for integration and mainstreaming of human rights in international relations. Foreign policy issues can no longer be “siloed”, either geographically or thematically. Issues such as human trafficking and climate change are by their nature transboundary, affect the enjoyment of human rights and require cooperative international response. Human rights promotion is correspondingly integrated into and permeates Ireland’s engagement across a wide range of diplomatic activity. Mr Robinson then proceeded to analyse in substance three areas: the Universal Periodic Review (UPR) mechanism of the UN Human Rights Council, the European Union’s human rights diplomacy, and Ireland’s One World, One Future policy for international development. With regard to the UPR, he outlined Ireland’s engagement with the process to date, both in having undergone our review in 2011, and in our interventions during other reviews. Mr Robinson then noted the potential multiplier effect of Ireland’s human rights policy when it is conducted with and through the European Union, and considered that the interplay between Member States and the Union in the field of human rights is a subject of particular interest. Actions to promote human rights and accountability are priorities in Ireland’s policy for international development and are seen as key enablers for tackling the inequality, discrimination and exclusion that lie at the core of poverty.

Andrea Rossi, Deputy Head of Division and Chef de File for Civil Society, Human Rights Policy Instruments Division, European External Action Service, Brussels

Mr Rossi began by stressing the significance of the recent developments in the European Union (EU)’s human rights diplomacy, most obviously with the adoption in 2012 of the EU Strategic Framework on Human Rights and Democracy, together with an Action Plan to put it into practice, which constitute a milestone in EU’s engagement in human rights and a watershed in EU policymaking, mainstreaming human rights in EU external action. As a result, for the first time the EU has had a unified Strategic framework for this vital policy area, with such a wide ranging plan of action for its implementation.

The strategic framework sets out principles, objectives and priorities, all designed to improve the effectiveness and consistency of EU policy as a whole. They provide an agreed basis for a truly collective effort, involving EU Member States as well as the EU Institutions. The strategic Framework also anchors a commitment to a genuine partnership with civil society.

As a concrete example of implementation of the action plan, Mr Rossi also noted the importance of the EU’s development of human rights country strategies. These are internal documents which provide a frank assessment of the situation of human rights in the countries which are under examination and identify priority areas for progress, thus forming the basis for coherent EU action on human rights in those countries. These strategies provide clarity and guidance, and are agreed both by COHOM, the Council Working Group on Human Rights, and by the relevant Council geographic working group, thus bringing together human rights and country expertise. But also on the field, following the adoption of the EU Strategic Framework and Action Plan on Human Rights and Democracy, local EU Missions (both EU Delegations and EU Member States embassies) are working closer together on human rights. They are involved from the very beginning in the drafting and then in the implementation of the HR Country Strategies, therefore working closely in the implementation of all the EU guidelines, for example on Human Rights Defenders, Freedom of

Religion, LGBTI, Death Penalty, violence against women, etc. and further coordinating EU development cooperation in the field of human rights and governance. As a result, work-sharing has become more the norm, also to optimise the limited resource available, for example in following individual case of concerns, trials attendance, conducting regular field visits. Mr Rossi further noted the appointment of a human rights focal point in all EU Delegations. These mechanisms all aid the engagement of EU mission staff on human rights issues and with local and international civil society in particular, while they have spearheaded a more systematic use of the resources on human rights available from multilateral fora, including reports of the UN treaty monitoring bodies, UPR reports, UN resolutions and the work of the Working Group on Arbitrary Detention. Among the tools available to the EU, beyond the most obvious ones such as statements of the High Representative, its Spokesperson, local statements, or raising human rights concerns at the occasion of high level visits, political dialogues, human rights dialogues, etc., there are as well additional tools, such as public outreach and cultural diplomacy initiatives. These can be extremely valuable, particularly when relating to societal issues (e.g. gender).

Mr. Rossi concluded that ultimately, arguments against the universality of human rights and in favour of cultural relativism don't appear convincing when you look at the aspiration and concerns expressed on the ground by local people in third countries – particularly younger generations - who are increasingly demanding greater accountability (e.g. on corruption, pollution), transparency, participation and ability to engage in policy decision making processes affecting them, and freedom to make their own choices. .

The increased consistency and effectiveness of EU action deriving from the commonly agreed EU strategic framework principles, objectives and priorities, can certainly be further developed, but it is already a noticeable step in the right direction, as it provide an agreed basis for a truly collective effort, involving EU Member States as well as the EU Institutions.

Lotte Leicht, EU Director, Human Rights Watch, Brussels

Ms Leicht noted that as most of what she intended to say had already been said, she would instead make some unprepared observations and express some concerns. She noted that in June 2012, EU Foreign Ministers made their most comprehensive statement on human rights to date. In a commitment that was binding for EU Member States and Institutions they announced that they will continue to throw their full weight behind the advocacy of democracy and human rights throughout the world in implementing their strategy. While this statement was fine in theory, the reality remains that many governments around the world still silence critical voices and political opposition. This is not only because they don't want these messages being heard, but also because they believe this silencing will not be challenged by others, or at the very least, will not come at a high price. Repressive regimes thus believe they enjoy a monopoly on the truth.

Ms Leicht emphasised that Governments pursue goals like power and resources having made calculations that they can get away with this. Our challenge is to change the calculation. We need to put a firm price tag on this behaviour that will lead to a change. Certainly the EU is better than others in standing up to these regimes. But it is not yet good enough. It could act in a more principled way. The actions of the EU should not be designed to merely satisfy home constituencies.

Ms Leicht stated that many current EU human rights dialogues are pursued in a way that looks ideal to human rights abusers. They are non-transparent, not accountable to civil society and not very ambitious in the results they seek to achieve. Public statements of concern by the EU need to be ambitious. Actions need to be public so that the message is advanced to human rights actors in repressive regimes. EU statements of concern must be carried by all Member States and supported at the highest levels of Government. It is not possible for the smaller Member States to raise the bar on human rights issues alone.

Ms Leicht proposed further changes such as the need for annual statements from the EU Council of Foreign Ministers speaking out on human rights issues in China and Russia. In relation to China, the EU continues to raise concern about prisoners of conscience. This is not enough. There should be constant demands for their freedom. Families and loved ones of these prisoners should know that the EU is working continuously on their behalf. In an ideal world, the EU would adopt a list of worldwide prisoners of conscience. Member States could then each be assigned various prisoners on the list and there could be a race to see which Member State can succeed in freeing prisoners first.

Ms Leicht mentioned two other price tags. First, she spoke about targeted punitive sanctions. At the moment, these are too imprecise. They need to be more visionary. Unfortunately the EEAS is still starved of resources in this area. On last count, only 2.5 people are assigned to the sanctions section. Second, the price tag of justice must be pursued all the time in the context of Syria. The EU has not demarched a single country in order to seek a Security Council Resolution on the issue of Syria. The 120 or more countries that have ratified the Rome Statute of the ICC should all be allies in pushing Russia for such a Security Council Resolution. The EU can also do more to curb arms transfers. She concluded by noting the need for more ambition, the need to do more, and the importance of not settling with the idea that 'we are the good guys.'

Michael Ineichen, Director of Human Rights Council Advocacy, International Service for Human Rights, Geneva

Mr Ineichen began by stating that, first of all, human rights are implemented at the national level, and human rights foreign policy can merely assist those actors that work for such national level change. Secondly, states who promote human rights at home will see that their human rights foreign policy is more effective because of increased credibility and policy coherence. This kind of action is not simply a matter of idealism, but is also in line with realist theories of international relations, *i.e.* it is in states' interests for human rights to be observed abroad. Mr Ineichen stressed the need for internal-external coherence so as to remain a credible interlocutor in the promotion of human rights and to avoid the perception of hypocrisy.

As a practical example, Mr Ineichen outlined some efforts underway to protect human rights defenders around the world. The EU has a set of Guidelines on Human Rights Defenders, which aid the EU in addressing the problems which exist at national level. The framework for the protection of human rights defenders needs to be examined at the national level. In this regard, the resolution on human rights defenders at the 22nd session of the Human Rights Council in March 2013 was instructive, as it included a statement that national legislation protecting human rights defenders is vital and must be in line with international human rights standards. To this end, ISHR are developing a model national law on the protection of human rights defenders, which will be useful to states looking to implement their international obligations, and to civil society seeking to hold their states

to account. Mr Ineichen noted Ireland's prominent role in the efforts to protect human rights defenders and promoting the participation of civil society at the international level, and called upon Ireland to enshrine their protection in legislation so as to serve as an example to others. This would increase the coherence of Irish foreign and domestic human rights policy, and thus make both more effective.

Mr Ineichen concluded by emphasising the importance of civil society in assisting states to shape their human rights foreign policy. Referring to Ms. Leicht's remarks, he considered that annual EU-Council Conclusions on human rights in China and Russia would only come about as a result of concerted pressure from civil society, before finally noting the space for civil society to speak out at multilateral venues which may not exist at the domestic level.

Plenary Panel 2: Questions and Answers

Lorna Gold (Trócaire) noted that the Lisbon Treaty mandated policy coherence in the area of development. There are examples in the EU where this has been tried, such as Finland, where human rights and development are put at the heart of government policy. Yet this practice is far from widespread. She asked for the views of the panel on this issue. **Ms Leicht** responded first and stated that while there has been an official commitment to policy coherence, the reality is that this is not happening. Part of the problem is that on the one hand, the idea is not supported at the top of the EEAS. Foreign Ministers need to push the EEAS to change this. On the other hand, national parliaments must play a role. The EU parliament and national parliaments are not working well together at the moment.

Mr Rossi added that the EEAS was created to improve coherence across various foreign policy tools but it remains a work in progress. The strategic framework outlines many priorities that need to be addressed and this document will have to be revised regularly.

Mr Robinson noted that the boundaries between foreign and domestic policy are increasingly blurred. Speaking from an Irish perspective, increasing efforts are being made at national level to ensure that policy development is comprehensive and that all of the international and domestic dimensions of issues are encompassed. He instanced the example of Ireland's Africa Strategy, where development, human rights and economic relations are integrated in a single overall coherent approach. This approach also informs our engagement in EU level discussions.

In response to **Ms Leicht's** talk on the subject of price tags, **Mr Robinson** also noted that Ireland has a strong position internationally on accountability and on ICC referral. Human rights are an integral part of the working relations that Ireland has with other countries.

Cam McHugh (Sport Against Racism Ireland) inquired as to the damage done to Ireland's reputation in the field of human rights by three issues: the treatment of Roma children by the Gardaí, the system of direct provision, and the continued lack of recognition of Traveller ethnicity. **Professor Tonra** responded on the topic of direct provision in unequivocal terms, describing it as an "abomination". While not in a position to comment on the substance of the case of the Roma children who had been taken into state custody, **Mr Robinson** noted that that processes were underway to investigate and address the issues that had arisen.

Seán Kinahan (Forum 18) intervened to mention the worsening human rights situation in Kazakhstan, where civil society is coming under increasing threat and mechanisms of repression have become harsher in recent times. EU Member States had, he claimed, been too uncritical in accepting Kazakh pledges on human rights in its efforts to attain the chair of the OSCE. **Mr Kinahan** then asked the panel for practical suggestions as to how Ireland and the EU could put their weight behind human rights defenders, and when they would do so. **Mr Rossi** replied by noting that many emerging countries are keen to be seen as full members of the international community, and the EU has had some success in encouraging states toward better human rights standards on foot of reciprocal understandings to this effect; for example, Vietnam had ratified the Convention Against Torture as part of their UN Human Rights Council campaign, as well as made a series of pledges and commitments in the area of human rights. The effectiveness of this engagement varies, and in the Kazak case, it did not help that Kazakhstan has good public finances, thus reducing the leverage

available to the EU. In terms of how the EU can take practical action to support human rights defenders, **Mr Rossi** noted the utility of the European instrument for Democracy and Human Rights (EIDHR) in financing local civil society without the consent of the government in question. The achievements of small NGOs can be formidable when provided sufficient support, as they are familiar with the local context; in Vietnam, for instance, a small but effective NGO had marshalled a media campaign against the stigmatisation of the LGBT community. Finally, **Mr Dahlgren** interjected to suggest that all human rights dialogues conducted by the EU should be accompanied by consultations with local civil society.

Workshop 1:

Human Rights and Development Cooperation – too narrow an analytical lens?

Ms. Navanethem Pillay, the United Nations High Commissioner for Human Rights, stated in a speech given during the events of the 'Arab Spring' in October 2011 that our 'analytical lens' in relation to Development Cooperation has been too narrow with excessive emphasis placed on growth and markets and less attention provided to equality and civil, political, economic, social and cultural rights. What does the human rights based approach to development mean in practice?

Caoimhe de Barra, Head of International Division, Trócaire introduced the panel and moderated Workshop 1.

Tom Arnold, Chairman, Convention on the Constitution, ex-Chief Executive Officer, Concern Worldwide

Mr Arnold opened the session by stating that in reality there are many countries that do not fit the normative ideas contained within this speech. In autocratic countries that do not allow space for civil society, organisations such as Concern are faced with practical difficulties as if they take a public position on human rights they may be expelled or restricted in their work. The suggestions in Pillay's speech will not always be practical due to legislative conditions within a country and should rather be seen as an aspirational document.

Hossam Bahgat, Egyptian Initiative for Personal Rights, Cairo

Mr Bahgat noted that High Commissioner Pillay's speech raised the question of whether one can really talk about human development without the end goal being the preservation of human dignity. He argued that the goal of development needs to be that of people living in dignity and that the best summary of the Universal Declaration stems from the slogan used in the Arab Spring: "Bread, freedom and human dignity." However human dignity is often ignored because the harsh reality is that people need food and the ability to deliver food can often depend on looking away from other human rights abuses. He argued that there is room for diverse voices and strategies, along with a multiplicity of roles.

Mr Bahgat stated that the first challenge to ensure human rights are involved in development is to keep our collective eyes on the ultimate goal/purpose of development. The problem is that there is still a fixation on only one side of human development. Austerity and other economic prescriptions continue to be advocated while people are already suffering. Certainly, the idea of 'inclusive growth' is growing in public discourse, but we do not see this implemented on the ground. The situation is even more challenging in the context of bilateral aid, where the players have even less policy guidelines and are also likely to be less interested in human development in the true sense of the word. Thus the first challenge is to reach an agreement that the goal of development actors should be to ensure that people live in dignity.

Mr Bahgat noted that the second challenge is the need to have innovative cooperation. One problem at the moment is that there is a split between development and politics. This means there are inconsistencies and inefficiencies in development cooperation between the various prongs of governments. Human rights programmes are often pitted against economic programmes. It is

important that the approach taken towards development includes Human Rights impact assessments.

Mr Bahgat added that international legal obligations are too often neglected because of this divorce between different policy units of government. Very little space is given to international legal obligations and there is very little accountability in the world of development. This needs to be fixed. Furthermore, most of the 2015 Millennium Development Goals goals will not be met, and yet there is a lack of self-criticism. No attempts appear to be being made to avoid making the same mistakes again. There is clearly an implicit acceptance that things are not working, but official resistance to this reality remains. Therefore the same tired policies are being revisited.

Brendan Rogers, Director General Irish Aid

Mr Brendan Rogers said that time has moved on since Pillay's speech. The key ingredients for successful development are genuine democratic action, involving key stakeholders and institutional mechanisms to democracy. In the past many states had little interest in economic development promoting inefficient state enterprises which benefitted elites. One of the errors of donors was to analyse development through a technical lens, and provide technical expertise and think that a technical fix was possible rather than examining governance and the political economy in a holistic way. The people and Governments need to be in the driving seat when implementing change. The Government needs to be democratic, transparent, responsive and accountable. The Irish Government has learned how crucial it is to understand the political economy of any country in which we work. Lessons were learned in this regards over many years. Now Ireland's aid programme is informed by the political economy and realities of the situation on the ground, while trying to maintain the balance between influence and interference in the affairs of other countries.

Mr Rogers continued that the Irish Government has enhanced the importance of human rights in the development context and is committed to policies which underpin democracy and development. In the case of Uganda, whilst €4million was lost, this was returned quickly, which marks an enormous improvement to the situation of conflict and destruction which prevailed in the 1980's.

Mr Arnold emphasised that the basic principle remains that human rights are important and we should not compromise on them. It is encouraging that over the years, human rights have become more and more central to development work. However, the political situations in developing countries haven't always evolved sufficiently. There are often trade-offs, but Concern generally tries to avoid public positions and instead seeks to do what work it can do on the ground. While it's easier for advocacy organisations that aren't operating on the ground to take clear cut decisions, NGOs on the ground should also attempt to develop the space for human rights. Progress on the human rights front will have to be in the context of a political order which gives space to civil society. Economic growth without development certainly needs to be questioned.

Workshop 1: Questions, Answers and Discussion

José Antonio Gutiérrez, Latin American Solidarity Centre, stated that there are a myriad of organisations working with different emphases and that it might be difficult for all of these to work in the same way. The general orientation of the understanding of human rights is that they are different from development and the Cold War distinction between political rights and economic rights is still prevalent today. With regards to the issue of trade agreements, these could have an impact on the issues of development and human rights. The US free trade agreement with Colombia could include an action labour plan. **Mr Gutiérrez** asked to what extent we could review the impact that our policies are having while we engage with the developing world.

Andrew Anderson, Front Line Defenders, suggested that one thing missing from the discussion was the subject of effectiveness. All governments have said that development doesn't work without good governance, transparency and accountability. Yet you can have none of these without including civil society and allowing freedom of expression. Therefore human rights are actually about whether development works. We must also remember to distinguish between humanitarian work and development.

Mr Rogers replied that the EU once held the view that we cannot open an economic space without the presence of good governance. However, governments are not monolithic; there are many different elements in a government. If we are approached by an advocacy organisation to help, we can do so under the radar, and if we can assist in individual cases, we will. Change is incremental; with regards to the LGBT issues, Ireland only decriminalised homosexuality in 1990s. Ireland must support forces of liberalism in countries that we work in. However, Ireland's diplomatic footprint is not large. If we do not have a diplomatic presence in a country then we engage through the EU, and if we are present in a country then we must invest in these nations rather than abandon them.

Mr Anderson continued by noting that the EU Development Agencies have increased aid to Ethiopia as repression escalates in that country. This is both unethical and daft. It is daft because it doesn't work. It is nonsense to be in partnership with corrupt governments. We must remember that the EU knows how to do development that properly incorporates human rights. The prime example is the development of Eastern Europe which was assisted by the EU while the EU also remained rigid regarding human rights standards.

Ms De Barra agreed for the most part with these comments but noted that while Ethiopia and Rwanda are both very repressive regimes, aid has ensured that general living standards have risen. Therefore the situation is a little more nuanced than merely saying it is a waste of money. One audience member added that when you are on the ground, the basic needs of people will always be the priority. You simply do not have time to discuss human rights abuses while people lie dying by your side.

Mr Arnold noted that Pillay's paper ends by recalling the three pillars of the UN Charter and interlinkage. There is a distinction between humanitarian activity and human rights. The paper talks of development which is interlinked with human rights. When we look at Africa we can see that more and more countries are having elections. This is a long slog, and accountability will allow for institutions that will deliver. When we are working in a humanitarian space we must be politically savvy enough to know what to say.

Martha Leyden, SIPTU commented that we have the International Labour Convention which provides a set of international instruments to ensure observance of standards. The development agenda is focused on sustaining trade and without observance of these principles it doesn't work. The slogan that trade union rights are human rights should be observed.

Mr Bahgat stated that if we look at the protests in Brazil, Turkey, the Arab Spring, Occupy Wall Street, etc., we can see that something is happening. The protests have no correlation with how formally democratic a regime is or with economic growth. They are genuinely global. So we can conclude that something isn't working. Democracy is failing many sectors of the population and the labour movement is becoming very important. Democracy has been reduced to one vote every five years. People are taking to the streets against this form of democracy and the model of economic development that is tied to it.

Mr Bahgat also rejected the notion that there are some societies that are just not yet ready for democracy and human rights. Bureaucrats in the EU often say we must be realistic; there is only so much you can achieve in some countries when it comes to human rights. The problem is that this sort of discourse is then internalised by the countries in question. This happened in the case of Egypt. Empirical data shows that the 'not ready' argument is flawed.

On the topic of engagement, **Mr Bahgat** emphasised that isolating governments never works. We should not treat governments (no matter how bad they are) as pariahs. But engagement must be smart. One example of poor engagement is in the context of the EU/US mediation on Egypt which failed in August 2013 when a massacre took place on the streets of Cairo. A couple of weeks later during the September session of the Human Rights Council, the EU decided to do nothing on the subject of Egypt. This was so as not to jeopardise the mediation efforts of the EEAS. Not one EU Member State agreed to lead on an Egypt statement, again because they did not want to risk undermining the EEAS' efforts. No formal action or even a joint public statement was made about the atrocities. There was no censure.

Tsehaye Gebrekidan Mekonnen, Minister Counsellor Embassy of the Federal Republic of Ethiopia explained the governance in Ethiopia, emphasising that it is a very diverse state with unique problems. He suggested that it must be left to define its own national interest, and noted that its biggest problem is poverty but it also has to combat terrorism.

Lorna Gold, Trócaire, reminded the room that there is a real battle of definitions when it comes to the word development. First, there is the development as growth approach which seeks to have clear, concrete and measurable intervention, and often involves corporations. Second, there is community focused development with its emphasis on strengthening the political economy and human rights of a country. While these are not necessarily mutually exclusive, the former seems to be winning over the human rights focused approach. It is not clear why this is the case. Perhaps it is because the community based approach is often seen as old fashioned but it is encouraging to hear Brendan Rogers comment that Irish Aid is starting to revisit participatory approaches.

Karol Balfe, Christian Aid, spoke of political economy analysis and noted that tax is a human rights issue. Promoting fair and progressive tax systems should be part of Ireland's work.

Mr Rogers responded that we need to look at the inputs and processes as well as the results. A results based system is something that we use to assist us in evaluating a project. Governance is a complex issue, it is process orientated and is measured. We need to have respect for the environment and the diversity of society. The World Bank analysed the work of those who spoke for the poor people, and empowerment was the main message. This is still valid today. Development only occurs when we work with communities and empower them.

Mr Bahgat agreed that there needs to be more prominence of the tax justice issue at EU level. Some EU countries do have great initiatives in relation to their own loans and the elimination of bad debt. The EU parliament has also called on the EU to embark on debt relief programmes for Tunisia and Egypt. However this call has not been heeded by many Member States.

Mr Arnold stated that there is a continued case for the assertion of human rights internationally and domestically, and translation into action will vary due to political circumstances. The best way to improve people's lives is to allow them to feel they can participate and engage in the system.

Mr Bahgat said UN Women has recommended mainstreaming gender across the post-2015 Development Goal as well as a stand-alone women's rights goal. Our task is to do the same for human rights. If we really believe in the interconnectedness of rights, then we must recognise the need for mainstreaming. Community based development is not old fashioned. On the contrary, there are now more and more challenges to the use of corporations and multinationals in development.

Regarding Ethiopia, **Mr Bahgat** stated that the 'we are unique' argument is used all the time by many countries. That's why there is a need for agreement of universal rights. Many Africans in the UN agree that Ethiopia has one of the most oppressive NGO laws in the world. Those engaging in development need to stand for the universality of rights. .

In summing up proceedings, **Ms de Barra** noted that **Mr Bahgat** had suggested that the desire for dignity and equality is universal. Perhaps if we recognise this then we can more quickly arrive at knowing what the right thing to do is. She also noted Trócaire's research shows that the right to have a voice is very important to people. So we may conclude that both dignity and the importance of allowing individual voices must be kept to the forefront of the minds of those engaged in development.

Workshop 2:

The Role of Civil Society in Foreign Policy Formulation

Civil Society organisations see their role as that of keeping human rights issues on the agenda of foreign policy discourses. How can they seek to do this in a complex and often challenging environment where commercial considerations and interests are often afforded priority? How can civil society organisations adapt their strategy to the pace of change in international relations and politics and continue to find the strategic positioning that allows them to keep human rights to the fore?

Professor Michael O’Flaherty, Director of the Irish Centre for Human Rights, National University of Ireland, Galway introduced the panel and moderated Workshop 2.

Professor O’Flaherty reflected on photos shown earlier today by Mr. Hans Dahlgren, Former Human Rights Ambassador of Sweden and noted how these powerful images portraying conflict and war are in the public domain thanks to civil society. He summarised the workshop agenda, which proposes the following questions for discussion:

- How can civil society keep human rights issues on the agenda of foreign policy discourses in an ever challenging and complex environment, where commercial considerations and interests are often afforded priority?
- How can civil society adapt their strategies to the pace of change in international relations and policies and continue to find the strategic positioning that allows them to keep human rights to the fore?

Professor O’Flaherty proposed to widen this agenda and broaden the discussion. He invited additional comments and debate around the following issues:

- What is the distinct role of an Irish NGO and how does this differ to an international NGO?
- What role does civil society play in the shaping of human rights in foreign policy?
- What role does social media play in pushing forward the human rights agenda and building new communities for action and collaboration?
- What unique perspectives do Irish civil society and the Irish state bring to foreign policy and diplomacy – given Ireland is a small country, the distinctive nature of small state diplomacy, with membership to the EU, a post colonial history, and the Northern Ireland experience.

Professor O’Flaherty continued to commend Ireland’s report to the Human Rights Committee and noted the Annex which contains a list of consultations held as part of the process. He noted this was an example of good practice that other states could follow.

Professor O’Flaherty summarised the role of civil society as: functioning as a catalyst for action by states, an advocate for action by states, a partner with states (in implementing action and providing expertise), a monitor of states, and also a body which requires protection from the state. In introducing the first speaker, Professor O’Flaherty encouraged the audience to actively participate and join in the discussion during the questions and answers session.

Antoine Madelin, International Federation of Human rights (FIDH), Paris

Mr. Madelin opened his presentation by noting that he will largely concentrate on how civil society engages with the EU and member states on progressing trade, environment, and investment interests.

To begin his presentation, Mr. Madelin displayed photos of three human rights activists from Vietnam, Cambodia, and Burma and provided some context and background on their cases. Of the three activists, the Vietnamese activist and his son were jailed for seven and two years respectively for driving a motorbike that sprayed NGO leaflets on the streets. The Cambodian activist, a founder of a local natural resources protest group, was shot dead by military police while protesting illegal logging practices, and the Burmese activist, was arrested for protesting human rights violations. Mr. Madelin asked the audience - how the experiences of these human rights defenders can be related to Irish foreign policy and to the work of civil society? He commented on the role of the EU within these three country contexts – noting that in Cambodia for example, the EU is in the process of granting sugar planting tariffs, and in Burma, the EU has lifted sanctions to spur investment, despite none of the prior conditions set down by the EU being met by the Burmese government.

Mr. Madelin summarised the key provisions of the EU Human Rights Strategy and Action Plan (2012) which outlines the EU's commitment to measure the impact on human rights of all its activities, including trade and investment, and tailor human rights as an overarching deployment of aid. He went on to assert that this action plan has seen little by way of implementation since its adoption one year ago. He cited a statement by the EU's Trade Commissioner as an example: when asked recently how he would respond to the progressively worsening human rights situation in Cambodia, the Trade Commissioner answered that he is concerned and will monitor the situation, and action will be taken if the violations become 'systemic' and 'generalised'. Mr. Madelin then asserted that at times, civil society engagement with the EU is achieving little, if any results.

Mr. Madelin concluded by asking what human rights organisations can bring to trade discussions. He noted the need to ensure that the trade mechanisms being deployed have human rights impact indicators and also to understand how the EU trade, economic and business driven incentives and mechanisms will impact on the various human rights agendas within the country. He ended by noting the need to ensure there is quality interaction by the EU with civil society and to ensure that the latter they are involved in trade and investment agreements.

Mary Lawlor, Executive Director, Frontline Defenders

Ms. Lawlor opened by stating that she will speak directly to the context of Irish foreign policy and discuss how an organised civil society is a major component to a well functioning foreign policy.

Ms. Lawlor described civil society as having a 'crowbar function' in political systems, as it can mobilise and apply pressure. She went on to describe the work of Front Line Defenders as being practical, in the sense that it focuses on supporting individual human rights defenders with the aim of empowering thousands more. She praised DFAT for its role in leading the UN resolution on protecting space for civil society which was led by Ireland, together with Chile, Japan, Sierra Leone and Tunisia. She also commended the work of the Department during the OSCE Chairmanship and the achievements made around protecting human rights defenders.

Ms. Lawlor continued to note the specific and practical work of DFAT and other Government Departments which are of service to the protection of human rights defenders, such as:

- the quick acting temporary visa scheme for human rights defenders (facilitated by DJEI and DFAT);
- ongoing support from the Human Rights Unit in DFAT
- support for the Frontline Dublin Platform;
- Guidance provided by DFAT to Irish missions abroad on issues of human rights defenders and the organisation of pre-posting training for diplomats on human rights defenders at risk, and guidance on raising these cases through diplomatic channels.

Ms. Lawlor continued to provide some practical recommendations on how further advances can be achieved:

- Need to mainstream responsibility for human rights defenders across DFAT
- Systematic feedback should be provided
- Improved coherence around policy is needed – Ms. Lawlor observed that in countries where Ireland has political and trade interests, she felt there is a lack of action by the Government to address the human rights concerns
- DFAT can widen their interaction with human rights defenders and increase the activities to reach out to human rights defenders abroad while on visits.

Ms. Lawlor reflected on the Tanáiste's speech from this morning and his reference to the new Foreign Policy Review as being a statement of "who we are as a people". She urged the Tanáiste and the Department of Foreign Affairs not to go into the review with a "business as usual attitude", but to really question what is the red line beneath which Ireland will not go, when there is a conflict with trade. Human rights should have the same weight as political or economic interests.

She urged Irish Aid to develop an explicit strategy to support a free media and civil society over and above bilateral relationships with governments. She ended by quoting Kofi Annan, *"We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights."*

Colm O'Gorman, Executive Director, Amnesty Ireland

Outlining the role of Amnesty Ireland, Colm O'Gorman began his presentation to the panel by explaining Amnesty's track record of influencing foreign policy. He explained how Amnesty functions as an organisation; that while Amnesty is a membership based organisation, their role is not to represent the individual interests of their members, and that they must remain independent and unbiased.

Mr. O'Gorman outlined the importance of states to adhere to the laws which they have enacted, and that law has little meaning if the lawmakers themselves refuse to adhere. In addition to lobbying governments, Amnesty focuses on various business sectors and the human rights records of multinationals. While working with multinationals and International Financial Institutions (IFIs), Amnesty recognises that the impact of foreign investment can be both positive and negative, simultaneously bringing about reductions in poverty but also having negative impacts (such as affecting land rights of local populations). In addition to this Mr. O'Gorman outlined that IFIs are

largely controlled by states. Amnesty calls for multinationals and foreign investors to have respect for human rights.

In working directly with states, Mr. O’Gorman mentioned two examples of Amnesty’s work, firstly with the USA on the use of torture to extract information and secondly, with the Holy See’s redefining of the term ‘gender’. Despite many advances, recent years have seen a rowing back on human rights standards.

Providing an example of how Amnesty has engaged with states directly, Mr. O’Gorman outlined Amnesty’s direct engagement with the Department of Foreign Affairs and Trade in relation to Middle East and North Africa, and how they have engaged with a number of Irish embassies abroad to report human rights abuses in the countries where they work. In this regard, Amnesty also relies on like minded states to inform Amnesty about human rights abuses.

In addition to working directly with states, Amnesty works with inter-governmental organisations. Amnesty has had an impact on a number of human rights treaties and standards and continues to work with UN missions to encourage the enforcement of such standards. Mr. O’Gorman highlighted Ireland’s successes in terms of human rights during Ireland’s presidency of the EU, and also Ireland’s successful election to the Human Rights Council. Mr. O’Gorman also highlighted the second round of the Universal Periodic Review to the Human Rights Council as an opportunity to use inter-governmental organisations to act on human rights abuses.

Despite noted successes, Amnesty has faced and continues to face a number of challenges, including in the areas of capacity and expertise. They are critically reliant on public support, and maintaining their independence is crucial. Amnesty and other human rights organisations must go beyond the human rights status quo and Mr. O’Gorman suggested that this would include new human rights approaches in terms of trade.

In the past, Amnesty has challenged the status quo, such as the campaign for an arms trade treaty. This is an example of the idealistic vision of civil society organisations and how they can step in and push for things that states cannot. It was thought that trade could not and would not be trumped by human rights, and controlling the trade of arms was never put forward by the UN Security Council. An increasing number of conflicts such as the Gulf War and genocide in Rwanda highlighted the urgency of controlling the arms trade. Amnesty International stepped in and called for a legally binding arms trade agreement. Amnesty spent 15 years of political lobbying, and in 2006 they began lobbying states. Working with supportive states, a UN resolution was put forward. This treaty was adopted in April 2013, in a large part due to Ireland’s supportive role. While the treaty did not include everything that Amnesty called for, it forms a firm foundation. The USA signed the treaty in September 2013.

Mr. O’Gorman concluded by outlining how the ideals of civil society, with focus and determination, can be achieved by identifying and working with like minded states. Civil society must continue to demand change and he closed by stating that ‘injustice must be taken personally’.

Mark Kelly, Executive Director, Irish Council for Civil Liberties

Mark Kelly began his panel discussion outlining Ireland's commitment to the promotion of human rights. He reaffirmed sentiments that were put forward by Ambassador O'Brien and other panellists over the course of the day. He described human rights as a universal moral product.

Mr. Kelly outlined the role of domestic NGOs, to challenge the 'cognitive dissonance' of states. On the theme of cognitive dissonance, Mr. Kelly outlined how there are inconsistencies between how states act themselves and how they expect other states to behave. Drawing examples from the Universal Periodic Review process, Mr. Kelly outlined examples of cognitive dissonance:

- Saudi Arabia's recommendation to Canada on the emancipation of women (Iraq also made a similar recommendation);
- Ireland's recommendation to Kazakhstan to ratify Optional Protocol to the Convention against Torture, even though Ireland has not ratified the protocol (Ireland are signatories).

Mr. Kelly outlined that now is an optimum time for civil society organisations to make an impact on policy and called for a collaborative approach to human rights. This is due to Ireland's upcoming UPR and Ireland's seat on the Human Rights Council. This is seen as an opportunity to reinforce the strands that connect overseas with domestic policy.

In particular, the Department of Foreign Affairs and Trade are inviting civil society organisations and members of the public to put forward voluntary submissions in the run up to Ireland's UPR. Mr. Kelly put forward some areas that there are likely to be examined in the UPR:

- Convention on the Rights of the Child;
- Extent of compliance with UN.

There were seven impact areas from the Human Rights Committee outlined:

- Observations made to Ireland in relation to the Convention on the Rights of Persons with Disabilities (ICRPD);
- Optional Protocol to the Convention Against Torture (OPCAT);
- Effective National Human Rights Institutions;
- Marriage Equality;
- Gender recognition and LGBTI rights;
- Travellers recognition as a minority;
- Reproductive justice.

Of the seven Human Rights Committee Issues, four will be examined under ICCPR. There have already been some advances. There has been a confirmation of budget for the ratification of OPCAT as well as for effective NHRIs. In the area of marriage equality, a referendum will be held in 2015. Ireland is used an example by LGBTI, but while Ireland may be exemplary, full rights have still not been recognised.

In conclusion Mr. Kelly outlined that there will be no achievements if only organisations advocate for human rights, and that there is an important role for states and inter-governmental organisations. In terms of foreign policy, there is a need for other stakeholders such as the Department of Health, the

Department of Children and Youth Affairs and the Department of Justice, Equality and Law Reform to engage.

Mr. Kelly also outlined the need for a systematic, inter-departmental process for the implementation of UN statutes and policies. The ICCL have a legacy project in these areas and will continue to participate to push for true accountability at national level.

Workshop 2: Questions, Answers and Discussion

Roger Cole, Chairman, Peace and Neutrality Alliance (PANA)

Mr. Cole outlined a RedC poll carried out by PANA on Irish attitudes to neutrality. The results of the poll illustrated a majority support for Irish neutrality, while the support for Irish neutrality was particularly strong amongst the 18-34 years age group.

Mr. Cole expressed a concern that successive governments have eroded Irish neutrality to the point that he posited that Ireland is involved in the 'human rights wars'. He drew an example of US troops using Shannon airport. He continued to express a concern that the EU's expanding military presence is further detrimental to Ireland's neutrality. He asked the panel if they felt that human rights could be achieved through wars, and how many wars would need to be fought for human rights to be achieved.

Brian Gormally, Director of the Committee on the Administration of Justice

Mr. Gormally emphasised the need for high level political pressure in addressing human rights concerns. He stated that he felt there is a consistent 'roll back' on some of the elements of the EU Human Rights Strategy and Action Plan (2012). He highlighted some areas where the Irish state is leading by example, but in terms of national progress of human rights issues he noted there remain significant gaps that should be addressed in areas such as: the drafting of a bill of rights; the UK breaching commitments to investigate deaths arising from the Northern Ireland conflict; Accountability in policing in Northern Ireland requires strengthening; the pace of prison reform is slow in Northern Ireland; and finally, the culture of cover-ups and impunity within policing in Northern Ireland.

Damon Barrett, Deputy Director/Head of Research, Harm Reduction International

Mr. Barrett commenced by noting that in the recent past he was part of a grouping of civil society organisations and citizens that lodged and won a complaint to the Ombudsman in response to an article published in the Irish independent. The complaint was lodged following a February 2011 column entitled 'Sterilising junkies may seem harsh, but it does make sense'. The column, described people who use drugs as 'vermin' and as 'feral, worthless scumbags'. Mr. Barrett observed that the mainstream human rights movement hasn't engaged in this area and would urge civil society to get involved and view drugs more broadly as a human rights issue.

David Joyce, Irish Congress of Trade Unions (ICTU)

Mr. Joyce observed that linking human rights and business poses a challenge to all of us – in how we work better to move beyond rhetoric to incorporate human rights into business practices in Ireland and also in terms of setting boundaries on the multinationals that operate outside of jurisdictions. He commented that it is a reality that human rights are largely absent in business and trade dialogues and enquired if human rights were an element of the current Irish Government mission to South Africa and Nigeria.

In terms of direct guidelines for multinationals, Mr. Joyce noted the OECD guidelines for multinationals has a chapter on human rights but it is not widely promoted in Ireland as a resource

for businesses. Mr. Joyce added that there was no implementation plan or consultation process for the UN framework on business and human rights, and that the Irish Governments Africa Strategy was drawn up without consultation from civil society.

Gearóid Kilgallen, Burma Action

Mr. Kilgallen urged DFAT to place human rights at the heart of all of its work and policies, and commented that it was unacceptable for the Department to seek to increase economic links with China despite their track record in human rights abuses.

Mark Cumming, Comhlámh

Mr. Cumming highlighted the current work of Comhlámh on Fair Trade rules and their garment factory campaign. He cited the UN Human Rights Council report by Harvard Professor John Ruggie, known as the 'Ruggie Framework' which provides guiding principles on ways corporations can showcase their commitment to international human rights while doing business in other countries. Mr. Cumming noted that unfortunately this framework has not been popularised and enquired as to how this framework can be popularised amongst Governments, the private sector and human rights organisations and noted the need to break down the silos of human rights organisations campaigning on single issues alone.

Fiona Crowley, Amnesty International Ireland

Ms. Crowley shared two points of information with the audience regarding current developments in the corporate responsibility and accountability agenda. She noted that the Department of Jobs Enterprise and Innovation is currently drafting an action plan on corporate responsibility, and that they appear willing to engage with civil society as part of this process should people want to contact the Department. In addition, the EU directive on nonfinancial reporting is stalling at the moment but if it is passed successfully, it will enhance the transparency of certain large companies on social and environmental matters, and increase EU companies' transparency and performance on environmental and social matters.

Mark Kelly responded to the questions noting that many of the observations are timely and well made. The lack of a charter or bill of rights is a consistent gap that needs to be recognised and filled.

Colm O'Gorman offered by way of response, a general comment in agreement that the human rights field should as much as possible maintain their issue focus – while seeking collaborations and expertise sharing with others, bearing in mind the systemic issues that create situations where human rights abuses are prevalent and justice is lacking. There is a need to consistently, repeatedly demand respect for the rule of law and civil society needs to get serious about demanding respect for rule of law from the state. Civil society itself needs to become much more focused and strategic.

In concluding the panel discussion, each of the panellists provided some closing remarks.

Mary Lawlor of Front Line Defenders outlined the role and case for the active participation of Civil Society and Human Rights Defenders in all of the areas that arose during the panel discussion (war; conflict; Northern Ireland; labour rights; human rights). Using the metaphor of a 'pincer' approach to

human rights, Ms. Lawlor explained how civil society forms the bottom arm of a pincer, while governments and policy form the top arm of the pincer, and together they work to secure human rights.

Mark Kelly of the Irish Council for Civil Liberties, called for NGOs to step outside their comfort zone and adopt a sharp focus on the true, systemic impediments to human rights. He highlighted how civil society organisations could improve on their lobbying for a national monitoring system; inclusion of enforcement power; and meaningful indicators to track outcomes of human rights work. Mr. Kelly also outlined the need for civil society organisations to be accountable themselves.

Antoine Madelin of International Federation of Human Rights called for an EU/China trade impact assessment. He used an example of Front Line Defenders developing EU guidelines for Human Rights Defenders, and posited that the same could be done for trade impact assessments. He referenced the pre-posting training undertaken by diplomats in liaising with Human Rights Defenders as a strategy that could be adapted for trade and investment. There is an important cultural shift to EU diplomacy. These changes need to be made in to business and trade policy.

Colm O’Gorman of Amnesty International Ireland recognised that there were strategic opportunities to achieve broad results. There is a need to have coherence and alignment between domestic and foreign policy. This would provide human rights champions with the best environment to advocate for human rights gains abroad. To conclude, he reaffirmed the need for civil society organisations need to stay focused, strategic and determined.

Reports from Workshop Rapporteurs

Noeline Blackwell, Rapporteur for Workshop 1

The workshop was based on a speech given by **Ms. Navanethem Pillay** in October 2011 which examined whether Development Cooperation is being viewed through too narrow a focus. The workshop considered the cyclical nature of development and at what point development becomes interference. The discussion was quite provocative and focused on whether human rights in the context of development are a necessity or a luxury. It was concluded that a human-rights based approach is essential to development cooperation.

Hossam Bahgat of Egyptian Initiative for Personal Rights submitted that even in the difficult context of Egypt, a human-rights based approach is necessary. He called for proper accountability and full participation of civil society. It was recognised that in some states, speaking out about human rights could mean being expelled from the country or being restricted. Smarter engagement is necessary and accountability needs to be taken more seriously. Bad practice was evident but there was recognition that unless human rights become more mainstream, development will not be effective.

Dr. Duncan Morrow, Rapporteur for Workshop 2

The moderator, Professor Michael O'Flaherty, opened the discussion by expanding on the questions put to the panel. He commented on the huge scale and scope of the role of civil society. There is no single civil society mechanism and they all have different dimensions which must be explored. Advocacy and the issue of insistence of civil society were also discussed. Having the capacity to continually create links and networks is imperative.

Techniques and tactics are often a weakness of civil society and in this way they often work best in conjunction with governments. It is important to remind and demand governments to uphold the principles that they have committed to as this is what keeps governments honest. Without cooperation between civil society and government, there is the risk that foreign policy will become idealistic. The power of a consistent approach should not be underestimated and Ireland must lead by example. In conclusion, it is important to look at the long-term perspective and without civil society this discourse won't happen.

Closing Remarks

Colin Wrafter, Director, Human Rights Unit, Department of Foreign Affairs and Trade

In drawing the Forum to a close, Mr. Wrafter noted a number of themes stemming from the proceedings, notably challenge, consensus, choices, and coherence. In terms of challenge, Mr. Wrafter noted that while a large amount of work had gone into preparation of the Forum, such had been the level of discussion and contribution amongst all participants that the real work for the Human Rights Unit was only just beginning. This was particularly true in the context of the DFAT's Foreign Policy Review. There are therefore a lot of choices to make on how to adequately reflect that contribution. While clearly there was no consensus reached, achieving this was neither the aim nor intention of the Forum. Sought instead was a richness of debate and a divergence of views and different ideas. This had certainly been reflected throughout the day's sessions. In this regard, Mr. Wrafter noted his appreciation of the contribution of panellists and those who spoke from the floor for such an interactive and thought-provoking debate.

Mr. Wrafter noted that coherence had come across strongly as a theme throughout the day, both coherence within foreign policy itself but also coherence between our internal politics, our internal human rights environment and that which we work towards externally. These are challenges for us all for the future. Mr. Wrafter noted that another point which was frequently raised was the necessity for civil society to be smart and focussed in its work. This was particularly relevant as not only are governments faced with choices as regards the trade off between their economic promotion policies and their human rights policies but they are also faced with restrictions and imperatives in terms of resource constraints. Mr. Wrafter therefore put forward a suggestion to civil society to consider how best to use their own resources to achieve their ends. This is not to suggest that there is no place for 'megaphone diplomacy' amongst civil society but this is not sufficient of itself.

As to points raised throughout the day in relation to China, Mr. Wrafter highlighted that DFAT has publically and privately raised its concerns, most recently at the Universal Periodic Review of China in October 2013 where concern was expressed as to the treatment of LGBTI individuals in China and the shrinking of civil society space. The Tánaiste and Minister for Foreign Affairs, Mr. Eamon Gilmore T.D., also raised human rights concerns in a meeting with the Chinese Deputy Premier, Ma Kai.

Finally, Mr. Wrafter extended his thanks to all moderators, panellists, rapporteurs, and civil society representatives for their inputs. Mr. Wrafter also noted his appreciation for the efforts of the staff of Dublin Castle and DFAT volunteers.

Human Rights Unit

Department of Foreign Affairs and Trade

9 January 2014

Appendix 1

Keynote Speech

by Tánaiste and Minister for Foreign Affairs Eamon Gilmore

to the 13th DFAT NGO Human Rights Forum

Ambassadors, distinguished panellists, Ladies and Gentlemen,

Mary Robinson said: “The fifth province is not anywhere here or there, north or south, east or west. It is a place within each of us. It is that place that is open to the other, that swinging door which allows us to venture out and others to venture in.”

The topic of today’s Forum is “Ideals and interests; the place of human rights in foreign policy”.

I warmly welcome you all here today. I greatly value the ongoing engagement with NGOs in Ireland. I am conscious of how much it has been in our own interests to have had a flourishing civil society sector, both in good times and in difficult times, in the life of our nation. The Forum is the centrepiece of this engagement, and has been the scene of many fruitful discussions in the past. I wish you a stimulating and productive debate here today.

This discussion, on the place of human rights in our foreign policy, comes at an opportune moment. In the modern world, discussions of foreign policy take place in the context of two challenges; firstly, the rapid pace of change in international affairs, and secondly, the increasingly complex interaction between domestic and international politics.

Ireland's human rights record will be examined in July 2014 by the United Nations Human Rights Committee, which is a body of experts whose function it is to examine how states fulfil their obligations under the International Covenant for Civil and Political Rights. My Department is leading on this process and will be consulting extensively with many Government Departments. Ireland's report under the Covenant was submitted to the Committee last year and the Committee has now produced a list of issues and asked the Government to respond in writing. The Committee has had the benefit of submissions from the Irish Human Rights Commission and NGOs. I can assure you that we treat our reporting obligations very seriously and will submit a full and comprehensive response to the list of issues. I might also mention that under the UN Universal Periodic Review, Ireland will make a voluntary mid-term report on its human rights record early in 2014.

Our external environment, and the international system in which we operate as a state, are experiencing change on several planes. This requires us to be both flexible and adaptable if we are to successfully promote our values and interests abroad.

With this in mind, I have initiated a review of Ireland’s foreign policy and external relations – the first since that carried out by then Tánaiste and Minister for Foreign Affairs, Dick Spring in 1996 – in order to ensure that we produce the right mix of policies and instruments with which to engage as a responsible global actor and to protect the values and interests of our people.

The Department of Foreign Affairs and Trade will shortly launch a consultation process as part of this review, inviting input from members of the public, and other stakeholders with an interest in

Ireland's foreign policy. Some of the themes that you will be discussing today will be relevant to this review and I hope that today's proceedings will make a valuable contribution to that process. I encourage you all to be a part of the formal consultation process when it begins.

Ladies and Gentlemen,

It is easy at times to be pessimistic about the place of human rights in foreign policy.

Yet, both in policy and in the day-to-day interaction between States, human rights issues are constantly on the agenda. Through the work of international organisations, the media and civil society, there is a remarkable degree of international scrutiny of States' implementation of their human rights obligations. The question before us is how these processes can be improved and how we can adapt to the enormous challenges we face in the conduct of international affairs.

Human rights have been a central concern of our foreign policy since independence. Our focus on rights found expression in policies such as our principled and practical opposition to apartheid, our support for the process of decolonisation, and our full and active participation in the international human rights system.

Our aid programme, which has a determined and practical focus on combating hunger and realising the right to food, has also positioned human rights as a central principle in our efforts to promote sustainable development. Ireland's new policy on international development, 'One World One Future', which was launched in May, reaffirms the centrality of human rights to Ireland's foreign policy and to the aid programme. It provides the framework for integrating human rights and development, and commits to ensuring that human rights principles and standards are promoted, protected and integrated in all of our development efforts.

The Irish Aid programme supports state institutions and independent organisations that promote human rights, governance, and democracy in developing countries, particularly in the nine Irish Aid Partner Countries in Africa and Asia. Expenditure on governance and civil society amounts to around 15% of our total budget.

Ireland has also invested enormous political and diplomatic energy into the resolution of the conflict in Northern Ireland. The political settlement and positive prospects for the future have been constructed around immutable human rights principles, including equality and non-discrimination. The emerging result has been in everyone's interests. I believe that as these human rights guarantees become part of lived experience in Northern Ireland, and as the stultifying effects of fear recede further into the background, the full economic, social, political and cultural potential of Northern Ireland and of the island as a whole can be realised. What could be more in our interests than that?

Human rights have also been a cornerstone in the construction of the European Union. They have been central to the EU's relations with third countries since the early days of European Political Cooperation, and subsequently the Common Foreign Security Policy.

The EU played a crucial role in anchoring respect for human rights in the former Eastern Bloc states following the fall of the Iron Curtain. The EU Charter of Fundamental Rights was adopted in 2000 and has been binding on all States since 2009. Along with the European Convention on Human Rights, it had contributed to a strong framework for the protection of human rights and fundamental freedoms across Europe.

Despite the many difficulties the European Union faces, the existence of this human rights culture across the continent has helped to create a space of remarkable political civility. And, as in Northern Ireland, this approach has been much more beneficial to Ireland than what preceded it. The challenge for the EU in the period ahead is to keep this determined focus on a broad concept of human rights and human dignity.

Ladies and Gentlemen,

Our commitment to the promotion and protection of human rights in our foreign policy has been recognised by our election, for the first time, to the UN Human Rights Council in November 2012. This was a major endorsement of Ireland's international standing, and in particular, of our advocacy of human rights across the globe. More widely, it reflected the esteem in which Ireland is held as a UN member and as a champion of the values which underpin the UN.

Ireland pledged to focus on a number of issues during our membership: combating discrimination and gender-based violence, strengthening the UN human rights treaty monitoring body system, and supporting human rights defenders. Serving on the Council enables us to play a much more active role in the promotion and protection of human rights worldwide, and to make a distinctively Irish contribution to that international effort.

The space for civil society has been shrinking in many parts of the world as a result of legal, administrative and other restrictive measures and practices. I am very proud that at the September session of the UN Human Rights Council, Ireland took the lead in presenting and negotiating a resolution entitled "Civil society space: Creating and maintaining, in law and in practice, a safe and enabling environment" along with Chile, Japan, Sierra Leone and Tunisia. The resolution, which was adopted without a vote by the Human Rights Council, examines the issue of civil society space as a human rights concern. As we know, the work of civil society goes far beyond the promotion and protection of human rights, embracing countless actors and activities which fulfil the purposes and principles of the United Nations. This is the first time that this issue has been addressed directly by the Council, and the resolution provides for a panel discussion at the March 2014 session of the Council. We intend to build on this work subsequently by bringing forward a more substantive resolution, most likely at the September 2014 session.

The integrity of the international human rights system is also under threat as a result of reprisals against individuals or groups who seek to cooperate with or who have cooperated with the United Nations. I am delighted that Ireland was in a position to give strong support to Hungary on a new initiative at the UN to combat impunity for such reprisals, and to ensure that the United Nations Human Rights system remains accessible to all.

Ireland also led an initiative on Preventable mortality and morbidity of children under five at the September 2013 session of the Human Rights Council. This resolution will lead to concrete follow-up action from the UN Office of the High Commissioner for Human Rights and the World Health Organisation on the development of a human-rights-based approach to address this problem.

Support for Human Rights Defenders has been a keystone of Ireland's human rights diplomacy, both at the multilateral organisational level and in practical outreach at Embassy level. This day to day work of support and encouragement for human rights defenders goes largely unreported by necessity, but nonetheless constitutes an important part of our diplomatic work.

Ireland was pleased in 2011 to have been in a position, along with US Government and others, to work for the first ever UN resolution calling for an end to discrimination and violence against LGBTI persons. Our actions on this human rights issue stem also from our own positive experience of how the creation of a more inclusive and pluralist society is conducive to greater social and economic dynamism. I note that in this morning's second panel there will be a discussion about how to achieve tangible outcomes in relation to improved human rights protection. It is heartening in this regard to hear of reports from LGBTI organisations worldwide that this resolution has assisted them in their advocacy work and given them new confidence.

Ladies and Gentlemen,

As I have mentioned earlier, the conduct of international politics is undertaken in the context of new and significant challenges. The speakers today are addressing multiple aspects of these, including climate change, development cooperation, and the revolutionary wave of protest and change constituting the 'Arab Spring'.

A central question for this Forum is how to maintain a focus on human rights in the real-time realities of the global market place. Our belief is that values, economic dynamism and development are not incompatible.

In our focus on the role of civil society, we also invite that sector to consider the question of how they might better contribute to achieving real-world outcomes and improvements in the promotion and protection of human rights.

To conclude,

Despite the difficulties and upheavals faced by many in our societies, it is remarkable that international human rights principles have not lost any of their aura. On the contrary, around the world, political legitimacy remains associated with respect for these principles.

These standards were largely codified by the international community after the experience of political philosophies that had led the world to ruin. The international community has learned the hard way what is not in our interests.

The simple fact is that our long-term interests can only be furthered if we adhere to these integral values. The acceptance that our interests and these values are intrinsically connected and symbiotic is the key to a successful, flexible and durable foreign policy. As US President Jimmy Carter once said, we must consider the "strands which connect our actions overseas with our essential character as a

nation". The challenge, as always, which you will be discussing further today, is how to keep a focus on improvements to the protection of human rights, in the real world outside the conference room doors.

There is no finer manifesto available to us for the conduct of international affairs than the international treaties on human rights and fundamental freedoms. By becoming parties to such treaties, States assume legal obligations to respect and protect human rights. Your deliberations today will assist us in seeking to bring the full potential of that manifesto to light.

Go raibh maith agaibh.

ENDS