

## Clustered ID with Special Rapporteur on Torture and Special Rapporteur on Human Rights Defenders

10 March 2014

### Ireland Statement

Ireland would like to sincerely thank the **Special Rapporteur on Torture** for his presentation today. We also wish to thank the Special Rapporteur for his report on the elaboration of the exclusionary rule and its role in re-enforcing the absolute prohibition of torture and ill treatment. In the fight to combat and prevent human rights violations, we must ensure there are no exceptions when safeguarding the inherent dignity and rights of all. It is in that vein that we particularly welcome the Special Rapporteur's assertion that the exclusionary rule must not be derogable under any circumstances, so that it is never seen as a "necessary evil". Attempts to restrict the applicability of the exclusionary rule seriously undermine international efforts to eradicate torture and gravely diminish the administration of justice. We also share the Special Rapporteur's concerns that the burden of proof on the admissibility of the evidence obtained by torture often lies with the defendant, rather than the State. We also note the Special Rapporteur's concerns that the burden of proof on the admissibility of the evidence obtained by torture often lies with the defendant, rather than the State. *We would be interested in any further elaboration the Special Rapporteur could provide on best practices regarding allowing for an individual to challenge admissibility of evidence.*

Ireland would like to warmly thank the **Special Rapporteur on Human Rights Defenders** for her presentation today. Her determined work throughout her mandate has clearly shown that the protection of human rights defenders traverses all human rights. We cannot achieve the full enjoyment of human rights unless the right to defend those rights is protected and respected. Over the last six years, the Special Rapporteur has worked to raise awareness of the important and legitimate role of defenders and has unequivocally detailed disturbing trends in the extraordinary risks and challenges they face. We are very grateful for the many practical recommendations and examples of best practices provided in her reports. We believe they provide essential tools to assist States in ending impunity for violations against defenders and in ensuring they can work in safe and enabling environment, free from fear and intimidation. It is highly pertinent that this valuable work is brought together in the Special Rapporteur's last report to the Council by specifying the core elements of a safe and enabling environment. Recognition, empowerment and protection of defenders must be led by Governments to ensure their participation as a positive partner in addressing the many human rights challenges we all face. It is deeply disturbing that legislative and other restrictions persist in some States which restrain, repress or criminalise the work of defenders and threaten their independence, freedom and in some cases, their safety. This is particularly severe in the cases of defenders whose work challenges social structures, economic interests, traditional practices and interpretation of religious precepts. *Could you give examples of best practices of protection mechanisms which have been established for specific groups of human rights defenders at risk?*