**UNSR Thematic Report on Natural Resource Exploitation and the rights to freedom of peaceful assembly and of association**

**Response of Ireland**

1. **What are the particular challenges in your country to respecting individuals’ rights to freedom of peaceful assembly and of association in the context of natural resource exploitation, while also attracting investment and responsibly maximizing the State’s ability to benefit from these resources? For example. Are all stakeholders affected by projects consulted, with their rights and concerns taken into account? Are peaceful assemblies facilitated? Are companies cooperative and understanding of the need to preserve individuals peaceful assembly and association rights?**

There are no challenges in Ireland to freedom of peaceful assembly in any context. The statutory functions of the Irish police force (An Garda Síochána) include the preservation of peace and public order, protecting life and property and vindicating the human rights of individuals. In that context it is important to make a distinction between peaceful protest and other forms of protest involving intimidation, bullying, harassment and physical and psychological assault. An Garda Síochána endeavour as best they can to facilitate peaceful protests and are trained to defuse confrontation using a range of proportionate methods.

1. **Can you identify any particular challenges faced by the States of origin of the operations operating in your country?**

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1. **For Questions 1-2 – to what extent do the challenges stemming from: gaps/inadequacies in the domestic or international legal framework; Government institutions; the broader business environment; Individual businesses themselves, or; any other factors.**

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1. **What is your Government doing to mitigate these challenges?**

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1. **Please provide any specific case studies illustrating natural resource exploitation projects which your Government believes had a positive or negative impact upon FOAA rights. *We would especially appreciate examples that demonstrate how Government action helped or hurt the protection and promotion of FOAA rights.***

Case Studies:

* Corrib Gas Dispute

Although there is currently little protest activity, the Shell Refinery Project in North Mayo has given rise to ongoing protests by those opposed to the plans of Shell. The protests at the site intensify at particular times (most significantly during 2012 and 2013) and increased Garda activity is necessary on such occasions to ensure non-interference with work at the site. The protests, although led by local residents, have also attracted outsiders (including members of subversive groups) and have, on occasion, resulted in serious public order issues requiring a significant Garda presence. 38 defendants have been brought before the courts for public order offences, criminal damage and assault on Gardaí. The Garda operations have left it open to accusations that it is facilitating the interests of a multinational company over the interests, and safety concerns, of local residents. In response to these allegations it has been consistently stated that the Garda presence is to prevent breaches of the peace, to uphold the law and to prevent interference with workers going to and coming from the site.

* Protests against Water Charges

As previously indicated above, An Garda Síochána endeavour as best they can to facilitate peaceful protests. For example, in recent weeks Ireland has experienced mass protests, facilitated by members of An Garda Síochána, where tens of thousands people across the country protested peacefully against water charges. Unfortunately a small minority amongst these protesters have engaged in physical assaults on members of An Garda Síochána and other members of the public. Their behaviour has also included intimidation, harassment and the bullying of other members of the public. In such circumstances, An Garda Síochána has no choice but to intervene to ensure the preservation of public order and to allow people go about their lawful business.

* Complaints against members of An Garda Síochána

There are well established procedures where any person can complain against the behaviour of an individual member of An Garda Síochána through the Garda Síochána Ombudsman Commission (GSOC).

1. **What measures/actions would you recommend that States, business and provate actors take to enhance the promotion and protection of the freedom peaceful assembly and of association in their policies, projects, goals and other engagements with civil society?**

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