

Free Legal Advice Centres (FLAC)

UPR Factsheet 2: Civil Society Space in Ireland

FLAC is an independent human rights organisation based in Dublin, Ireland which is dedicated to the realisation of equal access to justice for all.

We promote the use of law as a tool for social change and the right of equal access to justice, with a focus on economic, social and cultural rights and on protecting marginalised and disadvantaged groups. To this end we formulate policy and law reform proposals, principally in our core areas of social welfare law, personal debt law, consumer credit law and civil legal aid. As an Independent Law Centre, we take a small number of public interest cases each year. We advance the use of law in the public interest, particularly through our [PILA project](#). Finally, we deliver confidential and free basic legal information and advice to the public, both directly and in cooperation with key partners.

Promotion of Human Rights as a Charitable Purpose

The Charities Act 2009 does not recognise the advancement of human rights as a “charitable purpose”. As a result, Irish organisations working to advance human rights do not receive the same recognition for the purpose of registration, taxation and fundraising as other charities, such as those working to advance religion and education as well as those working to prevent poverty.

This anomaly makes it challenging for civil society organisations dedicated to promoting human rights in Ireland. Amending the Charities Act 2009 to include human rights as a charitable purpose would recognise the essential work being done by many Irish bodies at the domestic level; it would also enable such organisations to work more efficiently and effectively.

At the Human Rights Council, Ireland leads on resolutions on civil society space. These resolutions call on UN Member States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity. Resolution 27/31 also reminds states that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society.

In November 2015, a parliamentary committee - the Joint Oireachtas Committee on Justice, Defence and Equality - called for the Charities Act 2009 to be amended to include “the advancement of human rights” in its list of charitable purposes.

During her 2012 visit to Ireland, former UN Special Rapporteur on the situation of human rights defenders Margaret Sekaggya noted with concern that human rights organisations are effectively excluded from being able to register as charities. She recommended that the Charities Act 2009 be amended to include the promotion of human rights as a charitable purpose.

Recommendation:

- 1.1 *Amend the Charities Act 2009 to include the promotion of human rights as a charitable purpose.*