



TPN 086/2020

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Secretary-General of the United Nations (High Commissioner for Human Rights) and refers to the communication OL IRL 2/2020.

With reference to the aforementioned communication, enclosed please find a response from Minister for Foreign Affairs and Trade, Mr Simon Coveney T.D.

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretary-General of the United Nations (High Commissioner for Human Rights) the assurances of its highest consideration.

Geneva
14 December 2020



Mr Clement Nyaletossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association
Ms Mary Lawlor
Special Rapporteur on the situation of human rights defenders

14 December 2020

Dear Special Rapporteurs Lawlor and Voule,

Thank you for your letter of 10 December bringing to the attention of the Government information you have received concerning section 22 of the Electoral Act 1997 (as amended) (hereinafter “the Act”).

At the outset, may I reaffirm the Government’s strong support for the active participation of a vibrant and diverse civil society in all aspects of Ireland’s political decision-making processes. I would like to acknowledge the significant contribution civil society organisations have made, and continue to make, in this regard.

The Government and civil society are in agreement that this Act is an important piece of legislation which upholds the integrity of Ireland’s elections and our wider democratic processes. It provides the statutory framework for political donations and sets out the regulatory regime, inter alia, for: the funding of political parties, the reimbursement of election expenses, the establishment of election expenditure limits, the disclosure of election expenditure and donations and the setting of limits on permissible donations.

However, the Government acknowledges the legitimate concerns raised with regard to the wide-ranging definition of “political purposes” introduced in the 2001 Act and the potential, unintended impact it can have on the ordinary activities of civil society organisations and the means by which they legitimately raise funds to run their day-to-day operations, outside of any electoral or referendums periods. Civil society has recognised that the Government did not intend to affect their activities in this way but have called for an amendment to section 22. The Standards in Public Office Commission who independently supervises the Act’s provisions has also recommended that an Electoral Commission be established, and a comprehensive review of the Electoral Acts take place.

I am therefore pleased to advise you that the Irish Government has already taken steps to respond to these recommendations. The Minister for Housing, Local Government and Heritage is bringing forward legislative proposals for an Electoral Reform Bill in line with the commitments made in the Programme for Government. These proposals include the establishment, by the end of 2021, of an independent Electoral Commission which will, among other matters, review the Act in its totality, including section 22.

It is intended that the General Scheme of the Electoral Reform Bill will, following the Government’s consideration, be referred this week to the Joint Oireachtas (Parliament) Committee on Housing, Local Government and Heritage to commence pre-legislative consideration. This will provide an opportunity for the definition of “political purposes” to be examined on a cross-political party basis and should facilitate an examination of the obligations on third parties under the Act versus those on political parties and prospective candidates.


As part of the pre-legislative process, it will be open to the Committee to invite the views of civil society, the Standards in Public Office Commission and other stakeholders to inform their consideration of this issue and other issues that have arisen in relation to the Act. The report from the pre-legislative consideration process can subsequently form an integral part of the planned review of the Act by the Electoral Commission. It is expected that this review could be completed within a relatively short timeframe following the Commission's establishment.

As you will appreciate, it is essential that the political donations regime as provided for under the Act applies in a manner that is proportionate, fair and balanced to all participants in Ireland's democratic and electoral processes. It is therefore the Government's firm belief that the adoption of a comprehensive Electoral Reform Act which will, following the establishment of an Electoral Commission, include a thorough review of the donations regime, will deliver the most objective and effective outcome for all affected parties. This will cover the entirety of the inter-related provisions in the Act rather than embarking on a piecemeal approach to electoral reform.

I trust that the above provides sufficient reassurance to you both that the Government is committed to respond to the concerns raised in the most reasonable and appropriate manner. I will ensure that my Officials keep you regularly apprised of the progress made on this issue.

May I conclude by thanking you for the constructive engagement you have had to date with Ireland's Permanent Mission in Geneva. Let me assure you that the Irish Government will remain a strong supporter of civil society space and promoter of civil society participation both at home and abroad.

Yours sincerely



Simon Coveney, T.D.
Minister for Foreign Affairs and
Minister for Defence