Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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The impact of Brexit on human rights on the island of Ireland

Motion for a resolution
tabled by Mr Paul GAVAN and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Due to the Good Friday Agreement (1998), the *de jure* border on the island of Ireland presents no impediment to free movement, thus allowing tens of thousands of citizens and vehicles to daily cross this "open" border between two member States of the Council of Europe. This is one of the main pillars of the Irish Peace Process. The Agreement – a legally binding international treaty – commits the United Kingdom to the full adoption of the European Convention on Human Rights into Northern Irish law.

In the Withdrawal Agreement between the United Kingdom and the European Union (2020), the United Kingdom explicitly commits itself to maintain this open border in Ireland. The aim of the Irish protocol in this agreement is to avoid the return of a "hard" border which would clearly harm the existing human rights and fundamental freedoms of citizens on both sides of the border and could threaten the peace process.

The Internal Market Bill of the British Government would undermine the functioning of the democratic institutions established under the Good Friday Agreement, and no longer guarantee the open border. The Bill acknowledges that certain provisions "will take effect notwithstanding inconsistency or incompatibility with international or other domestic laws". The British Government confirms that the law will be "a limited and specific breach of international law".

According to article 3 of the Statute of the Council of Europe, every member State must accept the principles of the rule of law *(including international law)* and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms. Therefore, the Parliamentary Assembly should investigate whether the United Kingdom's intention to break international law and breach human rights and fundamental freedoms is acceptable, and, if not, how this breach could be avoided, making use of the good services of the Council of Europe, including the Venice Commission.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group