

Resolution 2464 (2022)¹

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

Parliamentary Assembly

1. The Good Friday Agreement, which ended three decades of conflict in Northern Ireland, described the United Kingdom and Ireland as “partners in the European Union”. The United Kingdom’s withdrawal from the European Union has shaken the delicate balance created by the peace process and threatened the common human rights space previously shared by all people on the island of Ireland.
2. Brexit has caused serious concerns regarding human rights protection in Northern Ireland and is leading to a misalignment of rights north and south of the border. It has cast a shadow over important provisions of the Good Friday Agreement, specifically related to birthright and just and equal treatment of both communities. In parallel, the lack of progress in implementing some of the human rights provisions of the Good Friday Agreement has compounded the problem: the establishment of a bill of rights for Northern Ireland and the passage of a law to promote the Irish language remain unfulfilled promises.
3. The introduction by the Government of the United Kingdom on 22 June 2022 of a bill to overhaul the 1998 Human Rights Act has exacerbated the situation. The proposal would add hurdles for those seeking redress in courts, privilege specific rights over others and challenge the role of the European Court of Human Rights, raising an issue of compatibility with the European Convention on Human Rights (ETS No. 5, the Convention), a cornerstone of the Good Friday Agreement.
4. Brexit has also reignited deep-seated tensions in Northern Irish society, furthering political division and contributing significantly to the paralysis of devolved institutions. The Parliamentary Assembly notes that Brexit repercussions have been at the heart of the institutional impasse and the political crisis of 2022. It regrets that some political parties, especially the Democratic Unionist Party, use these repercussions to further deny the people of Northern Ireland a functioning executive and assembly.
5. While the Ireland/Northern Ireland Protocol (the protocol) was introduced to limit the consequences of Brexit and avoid a return to a hard border, and while it has had an overall positive economic effect on Northern Ireland, the related rhetoric has been divisive. Polls repeatedly show that the protocol is not a primary concern for the population, and yet the protocol is used as a pretext to hold public institutions hostage.
6. The Assembly notes with concern that, despite the European Union’s willingness to find joint solutions with the United Kingdom within the framework of the protocol, and despite both sides stressing the importance of continued engagement, the Government of the United Kingdom introduced a bill on 13 June 2022 to unilaterally change core elements of the protocol. Described as a “clear breach of international law” by the European Commission, the move risks further destabilising the delicate post-Brexit situation on the island of Ireland. Article 2 of the protocol, which guarantees the non-diminution of rights as a result of Brexit, must be safeguarded.
7. The fragility of Northern Ireland’s current institutional framework is abundantly clear. While power-sharing arrangements emanating from the Good Friday Agreement guarantee inclusivity, the current structures entrench divisions along sectarian designations. Continued implementation of the reforms set out in the New Decade, New Approach agreement will be important, and all parties should consider ways to

1. *Assembly debate* on 13 October 2022 (33rd sitting) (see [Doc. 15615](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr George Katrougalos). *Text adopted by the Assembly* on 13 October 2022 (33rd sitting).



transcend sectarian approaches to politics. In this respect, the Assembly welcomes the Government of the United Kingdom's recent steps to limit the instability of this system, including the passage of the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022.

8. More than two decades after the Good Friday Agreement, the failure to properly and thoroughly address the legacy of the Troubles has had a direct impact on reconciliation and human rights on the island of Ireland, causing pain and frustration in society and sending discouraging signals regarding the pursuit of justice. All parties concerned should honour their obligations under the European Convention on Human Rights and implement, in good faith and as soon as possible, a process consistent with the principles agreed to in the Stormont House Agreement.

9. In this respect, there are serious concerns regarding the compatibility of the Northern Ireland Troubles (Legacy and Reconciliation) Bill, introduced by the Government of the United Kingdom on 17 May 2022, with the European Convention on Human Rights. The Assembly welcomes the Committee of Ministers' decision to ask for additional information from the United Kingdom's authorities on the compliance of the bill with the Convention. The Assembly also expresses concern that neither the Government of Ireland nor the Northern Ireland Human Rights Commission were consulted in the preparation of this bill, despite the latter institution being the main body in charge of overseeing human rights in Northern Ireland under the Good Friday Agreement and part of the "dedicated mechanism" to oversee the Government of the United Kingdom's commitment to protecting equality and human rights in a post-Brexit Northern Ireland.

10. The Assembly expresses regret over the fact that many people in Northern Ireland continue to experience residential and school segregation. Without addressing such systemic divisions, the laudable work of civil society organisations working across community lines will be left treating the symptoms, and it will be hard to move past the sectarian divides that have marked previous generations.

11. While violence has greatly decreased in recent decades, the tensions deriving from Brexit may contribute to a re-emergence of paramilitarism. In order to bring paramilitarism to an end, it is crucial that policing and justice measures are complemented by actions to tackle the systemic socio-economic issues facing Northern Ireland.

12. In light of the above, the Assembly calls on the United Kingdom to:

12.1. ensure that the withdrawal from the European Union does not result in any diminution of rights for the people of Northern Ireland, in line with its international commitments, nor to a misalignment of rights between north and south on the island of Ireland;

12.2. make use of the "dedicated mechanism" established to ensure that Brexit does not result in any diminution of rights set out in the Good Friday Agreement, in particular by seeking and heeding the advice of the members of this mechanism, of the Equality Commission for Northern Ireland and of the Northern Ireland Human Rights Commission;

12.3. seek, in a constructive spirit, all practical solutions in order to ensure the smooth and efficient implementation of the protocol and refrain from unilateral actions which undermine international law;

12.4. reconsider its current proposal to repeal the 1998 Human Rights Act and reaffirm its commitment to the European Convention on Human Rights;

12.5. propose a way forward to address the legacy of the Troubles that is in line with the European Convention on Human Rights' standards on effective investigations, with the Good Friday Agreement and with the devolution of justice in Northern Ireland; to ensure this is the fruit of wide consultations with victims' groups, political forces in Northern Ireland and in Ireland and relevant human rights bodies;

12.6. implement the recommendations of the Committee of Ministers and of the Committee of Experts of the European Charter for Regional or Minority Languages (ETS No. 148) regarding appropriate legislation to protect and promote the Irish language;

12.7. continue to support ways of making Northern Ireland's institutions more stable and more resistant to political turbulence, in line with the New Decade, New Approach agreement, and less reliant on sectarian designations.

13. The Assembly calls on Ireland and the United Kingdom to continue to make the implementation of the Good Friday Agreement an utmost priority and to work together in a co-operative, constructive and forward-looking spirit.

14. The Assembly calls on the authorities and political forces in Northern Ireland to:
 - 14.1. work together to ensure the smooth and efficient implementation of the protocol in Northern Ireland, which had largely supported remaining in the European Union, and to contribute constructively to the protocol negotiations;
 - 14.2. refrain from using divisive and inflammatory rhetoric surrounding the protocol and, instead, make full use of the significant advantages the protocol has already provided, and can continue to provide, to the Northern Irish economy and to efforts to build a more prosperous future for all communities in Northern Ireland;
 - 14.3. return to power-sharing immediately, so as to enable proper governance in Northern Ireland, and refrain from political acts which undermine the ability of Northern Ireland's institutions to function;
 - 14.4. work to address the systemic socio-economic issues facing Northern Ireland, not only to improve lives but also to create the necessary conditions for the demolition of peace walls and help put an end to paramilitarism;
 - 14.5. promote policies that limit residential segregation and take all necessary steps to promote greater mixing in schools by finally taking decisive steps towards integrated education;
 - 14.6. ensure that the teaching of history pursues the goals of peace and reconciliation, taking an approach based on multiple perspectives which respect the diversity of viewpoints and cultural differences, including by making use of Council of Europe expertise on the teaching of history;
 - 14.7. co-operate constructively with the authorities in Ireland and in the United Kingdom on addressing the legacy of the Troubles and to further support efforts to shed light on the past, such as the work being carried out by the Police Ombudsman of Northern Ireland;
 - 14.8. consult and make use of relevant Council of Europe bodies with expertise in minority language rights and apply, as appropriate, their recommendations in order to make use of European standards and best practices.
15. The Assembly also calls on the European Union to continue to seek, in a constructive spirit, all practical solutions to minimise the adverse impacts of Brexit and ensure the smooth and efficient implementation of the protocol.