

Briefing note for the Biden-Harris Transition Team: Brexit and the protection of the Good Friday Agreement, human rights and equality laws in Northern Ireland

Representatives of civic society groups from across the island of Ireland welcome the President-elect's continued support for the Good Friday Agreement, most recently reaffirmed in his congratulatory calls with An Taoiseach Micheál Martin and Prime Minister Boris Johnson.

Respect for the Good Friday Agreement will need to ensure no Border infrastructure, but much more than that. It is also a peace agreement and a basis for ensuring no return to the breaches of human rights and equality that scarred Northern Ireland's past. Securing guarantees for these rights was, and remains, a cornerstone of the Agreement, and the basis for continued peace on the island of Ireland.

Civic society groups have long been extremely concerned by the impact that Brexit is having on the protection of the rights and equality provisions in the Good Friday Agreement, because European law has long been a critically important support for such rights. As a result, we fought hard for a provision in the EU-UK Withdrawal Agreement (in the Ireland-Northern Ireland Protocol) that guaranteed that there would be no diminution of such rights as a result of Brexit.

As we near the end of the transition period, and with an EU-UK Future Relationship Agreement hanging in the balance, we fear that these protections are now under significant threat, in three particular respects:

- the Internal Market Bill currently making its way through the UK Parliament threatens the protections in the Protocol designed to protect the Good Friday Agreement's human rights and equality provisions;
- the UK Government remains unwilling in the future relations negotiations to guarantee the continued membership of the UK in the European Convention on Human Rights, and the UK's incorporation of the Convention in Northern Ireland;
- the UK Government is unwilling in the same negotiations to commit to 'level playing field' provisions guaranteeing labour, anti-

discrimination and environmental rights in Northern Ireland at least up to the standards that it currently has due to its previous EU membership.

In more detail, here is why we are concerned:

- The incorporation of the European Convention on Human Rights (ECHR) into Northern Ireland law, including direct access to the courts and remedies for breaches, is a core provision of the GFA, and is currently provided for via the Human Rights Act 1998. Within the Brexit negotiations the UK has thus far refused to commit to the ECHR as part of an EU-UK Future Relationship agreement. The longstanding policy of the governing Conservative Party has been to replace or repeal the Human Rights Act. The unwillingness to commit to the ECHR is deeply worrying.
- EU law currently underpins a wide range of labour, environmental and social protections but after Brexit the UK will not be required to follow common EU standards. Existing protections within Northern Ireland law will have a considerably reduced status and may be removed or weakened in future, at the whim of Ministers.
- The claims of the UK Government that the purpose of the Internal Market Bill is to protect the Good Friday Agreement are simply not credible. This Bill would unilaterally override the Ireland/Northern Ireland Protocol breaching international law.
- The UK Government has further sought through the Bill to weaken the effect of the Human Rights Act, a move which both the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland have publicly advised would undermine the Good Friday Agreement commitments. Whilst the House of Lords has voted to remove these clauses, the UK Government has indicated it will seek to reintroduce the clauses in the House of Commons.
- Even if these parts of the Bill were to be set aside, the remainder of the Bill would still significantly and negatively impact the model of devolved power-sharing government in Northern Ireland provided for within the Good Friday Agreement and subsequent agreements. We are particularly concerned that in Northern Ireland

the Bill will be used to impede the ability of the Assembly to ensure the non-regression of equality and anti-discrimination laws required under the Ireland/Northern Ireland Protocol.

We would be grateful for the continued support of the President-elect and his transition team in securing necessary protections for the Good Friday Agreement, particularly its human rights and equality provisions, as the effects of Brexit continue to materialise. In particular, we would urge the transition team where possible to initiate a deeper conversation with British and Irish representatives, bringing the specific points made above to their attention. We stand ready to provide further assistance and analysis for the President-elect's team in relation to any of these areas.

Signatures:

Amnesty International Ireland

Amnesty International United Kingdom

Centre for Cross Border Studies

Children's Law Centre

Children's Rights Alliance

Committee on the Administration of Justice

Community Work Ireland

Equality Coalition

Free Legal Advice Centres

Human Rights Consortium

Irish Congress of Trade Unions

Irish Council for Civil Liberties

Northern Ireland Council for Voluntary Action

Social Change Initiative

Unison

13th November 2020