

## UCD Centre for Human Rights presents

### *Northern/Ireland After Brexit: Exploring the Human Rights Impact*

**Date:** Wednesday, 03<sup>rd</sup> May 2017

**Time:** 1.30 pm to 5.00 pm

**Location:** Irish Human Rights and Equality Commission, 16-22 Green Street, Rotunda, Dublin 7. See map [here](#).

**Attendance is free, but registration is required. Please register [here](#).**

**If you require CPD Certification (3 hours, group), a €60 charge applies. Please register [here](#).**

The Good Friday/Belfast Agreement recognised the transformational role human rights could play in transitioning this island from conflict to peace. The safeguards on human rights within this agreement look likely to come under strain in the immediate future. The withdrawal of the United Kingdom from the European Union, the potential re-imposition of borders; discussions on the United Kingdom's continued adherence to the European Convention on Human Rights, all raise profound questions regarding the future relationship between the two jurisdictions on the island of Ireland.

This seminar focuses on select human rights implications arising from Brexit and beyond. Five leading experts provide reflections on how Brexit will give rise to significant constitutional, legal and political challenges on this island.

This seminar, convened by Dr Liam Thornton, Associate Professor, UCD Sutherland School of Law, will be of significant interest for lawyers, policy makers, civil society organisations, academics and law, government and public policy students.

### **Seminar Programme**

Time (pm)	Programme
1.30	Registration, Tea & Coffee
2:00	Seminar Opening by Michael Farrell, Chair.
2:10	Colin Murray (Newcastle), <i>Special Status? Northern Ireland, Brexit and Human Rights</i>
2.35	Dr Anne Smith (Ulster), <i>Does every cloud have a silver lining?: Brexit and the Northern Ireland Bill of Rights</i>
3.00	Suzanne Egan (UCD), <i>In the Shadow of Brexit: Re-examining the Potential for the Joint Committee and the All-Island Charter of Rights</i>
3.25	Dr Catherine O'Rourke (Ulster), <i>Brexit and Women's Rights: Considering Northern/Ireland Challenges in their Global Context</i>
3.50	Dr Liam Thornton (UCD), <i>Asylum Law/Policy: On Brexit, Borders &amp; Rights</i>
4.10	Q & A and discussion
4.35	Seminar Close

## Seminar Speakers & Abstracts

### Special Status? Northern Ireland, Brexit and Human Rights



[Colin Murray](#), Senior Lecturer, Newcastle Law School, University of Newcastle



Brexit's impact upon Northern Ireland will be distinct, and in many respects more severe, by comparison to its effects in other parts of the United Kingdom. This is in part due to Northern Ireland being the only EU/UK land border, which of itself calls for special arrangements. Northern Ireland, moreover, as a net recipient of EU funding, will have to tackle a new budget shortfall and adapt to new regulatory and funding arrangements managed by Westminster. On a longer time frame, the potential dislocating impact of the UK leaving the Single Market upon the highly integrated economies of Northern Ireland and the Republic of Ireland could be of greater significance. And at a deeper level, the Belfast/Good Friday Agreement, and subsequent developments within the Northern Ireland peace process, has been grounded upon Ireland and the United Kingdom's shared European Union membership. This Brexit-induced upheaval comes, moreover, at a time when power sharing arrangements within Northern Ireland look barely sustainable. Various proposals have been advanced for mitigating the impact of Brexit upon Northern Ireland. These include special status for Northern Ireland within the EU and moving Ireland's customs border to cover Northern Ireland. But in the face of the legal and political barriers to these options, another possibility lies in the nature of the trade deal concluded between the UK and the EU. The EU and Canada, for example, made reciprocal human rights commitments as part of CETA. This paper explores whether Ireland's obligations as a co-guarantor of the human rights elements of the Belfast/Good Friday Agreement could be secured by insisting upon continuing UK membership of the Council of Europe and adherence to the ECHR as a requirement of any bespoke deal between the EU and the UK.

### Does every cloud have a silver lining?: Brexit and the Northern Ireland Bill of Rights



[Dr Anne Smith](#), Lecturer, Transitional Justice Institute, Ulster University

Following Brexit and the emphasis on the implementation of outstanding issues from the Good Friday/Belfast Agreement post the most recent Northern Ireland elections, this paper argues that this is a golden opportunity to explore alternatives to progress the implementation of a Northern Ireland Bill of Rights. This paper argues that at a time when there is so much uncertainty about the protection and safeguarding of rights with a real risk of lesser rights for fewer people in the UK, more than ever is the need to explore possible ways to ensure the implementation of a Northern Ireland Bill of Rights. This paper provides an alternative that reflects the current mood of implementation rather than re-negotiation.

### In the Shadow of Brexit: Re-examining the Potential for the Joint Committee and the All-Island Charter of Rights



[Suzanne Egan](#), Director of UCD Centre for Human Rights and Assistant Professor, UCD School of Law.



Down through the years, the notion of protecting human rights on some form of trans-jurisdictional, all-island basis has been a feature of each of the political agreements negotiated to obtain peace in Northern Ireland. Of all these agreements, however, the Good Friday/Belfast Agreement (GFA) went the furthest by inserting an all-island structure - the Joint Committee of the two human rights commissions (North and South) - in the Rights and Equality section of the Agreement with a mandate to "... consider, among other matters, the possibility of

establishing an all-island Charter of Rights, *open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland*. Long since doomed to obscurity in both legal and political circles, the challenges posed by Brexit to the promise of “equivalence” in rights’ protection on both sides of the island, present a fresh opportunity to examine the potential for re-invigorating the work of the Joint Committee and the Charter concept. This paper will thus trace and assess the Joint Committee’s work to date, with particular emphasis on its engagement with the Charter, before considering the capacity of the Joint Committee to bring human rights concerns ‘out of the margins and into the mainstream’ in the changed context of Brexit.

**Brexit and Women’s Rights:  
Considering Northern/Ireland Challenges in  
their Global Context**



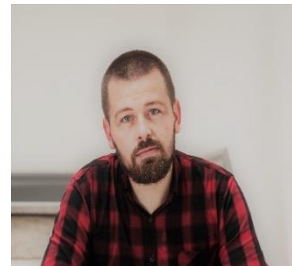
[Dr Catherine O'Rourke](#), Senior Lecturer in Human Rights and International Law, Transitional Justice Institute, Ulster University



The association between Northern / Ireland’s European Union membership and improved women’s employment rights is justifiably strong. With EU membership came the introduction of the principle of equal pay for equal work, enhanced maternity employment protections and an end to the so-called marriage bar. These EU protections reflected broader enhancements of women’s rights under international law in the same period. Brexit can, therefore, be viewed as a *sui generis* phenomenon, unique to the particular isolationist politics of the contemporary UK. Alternatively, it might be viewed as a part of a global retreat by states from international laws, norms and organisations that purport to yield supranational control over domestic affairs. Viewed in the latter way, Brexit is an extreme example of a broader trend towards non-consensualism in international law, a backlash against international courts, the strategic creation by states of treaty conflicts, and a move towards more flexible and voluntary

codes of conduct in order to maximise state participation. Globally, it would appear, international laws and organisations are in retreat. The paper considers the implications of these global dynamics for the protection of women’s rights internationally, especially in the specific context of Brexit and Northern/Ireland. Moreover, the paper claims, viewing these immediate local challenges in their broader global context may offer valuable new directions – and allies – for forging a response.

**Asylum Law/Policy: On Brexit, Borders & Rights**



[Dr Liam Thornton](#), Assistant Professor, UCD School of Law, University College Dublin.



For the peoples of the island of Ireland, the most expressive impact of the United Kingdom’s exit from the European Union will be borders. As well as having the potential to impact significantly the common travel area rights enjoyed by peoples on these islands, Brexit will cause additional challenges to emerge within the field of asylum law and policy. Ireland and the UK are suspicious participants within the Common European Asylum System. Brexit has the potential to result in significant policy and legal changes relating to core common asylum and immigration policies. This paper argues that Brexit may impact on those seeking protection on this island, placing asylum seekers literally and figuratively even further on the borders of human rights. This paper reflects on two core human rights concerns that will emerge. First, the issue of ‘bordering’, the creation and maintenance of new systems of border containment, control and passage that may impact on entry rights for those seeking protection. Second, a specified focus on potentials of legal conflict surrounding the social and economic rights of asylum seekers that may emerge post Brexit.



**Seminar  
Chair,  
Michael  
Farrell**

Michael Farrell is a solicitor based in Dublin and is a member of the Council of State and the Irish Member of the European Commission against Racism and Intolerance (ECRI). He was senior solicitor at the Free Legal Advice Centres (FLAC) in Dublin from 2005 until the end of 2015. While there, Michael managed the Lydia Foy case, which led to the adoption of the first gender recognition law in Ireland. He has also taken cases to the European Court of Human Rights and the UN Human Rights Committee. He was a Commissioner in the Irish Human Rights Commission from 2001 to 2011. Michael was joint chair of the Irish Council of Civil Liberties from 1995-2001. He was a former journalist and was involved in the campaign for the release of the Birmingham Six and other prisoners wrongfully convicted of IRA bombings in Britain in the 1970s. Michael was actively involved in the Northern Ireland Civil Rights movement in the late 1960s and early 1970s.

**About UCD Centre for Human Rights**

The aims of the UCD Centre for Human Rights are, to foster collaboration amongst academic staff and researchers in the field of human rights throughout the University by providing a coordinated research cluster that promotes individual and inter-disciplinary research; to enhance public understanding of human rights through a wide range of activities including publications, conferences, seminars and research projects; to develop innovative disciplinary and inter-disciplinary education in the human rights field and to engage and collaborate with national and international organisations, including national human rights institutions, governmental departments and non-governmental organisations working in the field of human rights.

**UCD Centre for Human Rights expresses its appreciation to the Irish Human Rights and Equality Commission for providing the seminar venue for this event.**

**For further information on UCD Centre for Human Rights, see [here](#).**

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