

Factsheet - 4th Cycle

Universal Periodic Review of the United Kingdom of Great Britain and Northern Ireland



Retrogression of Human Rights Protections in Northern Ireland

Summary of key issues from previous cycles

- In the 3rd UPR cycle, the UK received and noted three recommendations on impunity, transitional justice, and constitutional and legislative framework, in connection with the conflict in Northern Ireland.
- Ireland recommended that the UK's proposed Bill of Rights complement, rather than replace, the incorporation of the European Convention of Human Rights (ECHR).
- Switzerland recommended that the UK increase resources to help ensure deaths connected with the conflict were properly investigated. In 2020, the UK changed its position from 'noted' to 'supported.'
- Australia recommended that the UK continue working on transitional justice elements relating to the Stormont House Agreement, a 2014 Agreement with the support of most communities in Northern Ireland.

Challenges

- In July 2021, the UK government proposed creating a 'statute of limitations' for Troubles-related human rights violations.
- In May 2022, the UK government introduced the Northern Ireland Troubles (Legacy and Reconciliation) Bill. The Bill aims to create an Independent Commission for Reconciliation and Information Recovery (ICRIR) and would involve the Secretary of State for Northern Ireland throughout investigation processes.
- In June 2022, the government introduced the Bill of Rights Bill, which seeks to reform the Human Rights Act 1998, the legislation that gives domestic application to the ECHR.

Impact

- Creating an amnesty for crimes committed during the conflict would withhold justice from victims of human rights abuses. Furthermore, UK courts and the European Court of Human Rights have consistently held the UK to be in violation of its obligation to effectively investigate human rights abuses.
- The Northern Ireland Troubles (Legacy and Reconciliation Bill) would likely violate international law, because under the ECHR, the UK must ensure effective investigations into unlawful killings, torture, and human rights violations. In formulating the legislation, the government has not engaged with victims or survivors of the conflict. The Secretary of State's involvement may also compromise the legality and effectiveness of the ICRIR process.
- If enacted, the Bill of Rights Bill would violate the Belfast/Good Friday Agreement, a regional peace agreement, because the proposals would make it more challenging for victims of human rights abuses to bring forth claims, including violations committed during the conflict in Northern Ireland.

Recommendations

1. The UK should refrain from creating an amnesty for human rights violations committed during the conflict in Northern Ireland.
2. The UK should implement inclusive and effective transitional justice mechanisms, such as thoroughly investigating human rights violations committed during the conflict.
3. The UK should ensure human rights violations committed during the conflict remain actionable before UK courts and refrain from introducing legislation that would prevent access to justice, such as the Bill of Rights Bill.

Sources

1. 134.67 Provide reassurance that any proposed British Bill of Rights would complement rather than replace the incorporation of the European Convention on Human Rights in Northern Ireland law and acknowledging this is a primary matter for the Northern Ireland Executive and Assembly — that a Bill of Rights for Northern Ireland to reflect the particular circumstances of Northern Ireland should be pursued to provide continuity, clarity and consensus on the legal framework for human rights there (Ireland).
2. 134.156 Increase the necessary resources to the service of the Coroner to allow him to carry out impartial, swift and effective investigations on all the deaths linked to the conflict in Northern Ireland (Switzerland).
3. United Kingdom, British Overseas Territories and Crown Dependencies, Universal Periodic Review - Mid Term Report (2020), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953430/uk-mid-term-report.pdf, pp. 161.
4. 134.157 Continue negotiations on transitional justice issues and implement transitional justice elements of the Stormont House Agreement (Australia).
5. Northern Ireland Office, 'Addressing the Legacy of Northern Ireland's Past,' CP 498 (2021), available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002140/CP_498_Addressing_the_Legacy_of_Northern_Ireland_s_Past.pdf, Section 3, 'A Statute of Limitations.'
6. Northern Ireland Troubles (Legacy and Reconciliation) Bill (2022), available at: <https://bills.parliament.uk/publications/47190/documents/2097>, clauses 2-17; 25-32; 9(3), 10(2), 19(1), 20, 28-32, 52.
7. Ministry of Justice, Bill of Rights Bill (2022), available at: <https://publications.parliament.uk/pa/bills/cbill/58-03/0117/220117.pdf>, clause 1.
8. Rights & Security International, Submission to the United Kingdom of Great Britain and Northern Ireland's Universal Periodic Review (4th cycle, 2022), available at: https://www.rightsandsecurity.org/assets/downloads/RSI_UPR_WEBSITE.pdf.
9. Rights & Security International, 'RSI Advises UK Parliament to Scrap Northern Ireland Legacy Legislation,' (2022), available at: <https://www.rightsandsecurity.org/action/advocacy/entry/rsi-advises-uk-parliament-to-scrap-northern-ireland-legacy-legislation>.