



**Rights & Security International's
Submission to the United Kingdom of Great
Britain and Northern Ireland's Universal
Periodic Review (4th cycle, 2022)**

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Summary

- The UK government is seeking to introduce an amnesty for all 'conflict-related' crimes allegedly committed during the Northern Ireland conflict prior to the 1998 Belfast/Good Friday Agreement. This blanket amnesty would violate the UK's human rights treaty obligations and reflects a broader, ongoing pattern of inadequate criminal and civil investigations of conflict-related killings, torture and other alleged abuses in Northern Ireland. These systemic breaches of human rights have left survivors and victims' families waiting for truth and justice, often for decades.
- We recommend that the UK be urged to comply with its treaty obligation to ensure that all victims of human rights violations committed in its jurisdiction receive an effective remedy, as well as its treaty obligations to investigate and, where appropriate, prosecute violations of the right to life; the right to freedom from torture and cruel, inhuman or degrading treatment or punishment; and the ban on enforced disappearances.
- The UK government is seeking to lessen degree of human rights protection throughout the country by altering the Human Rights Act 1998 (HRA), and this step would have profound implications for human rights as well as respect for international treaty law in Northern Ireland. By undermining the Belfast/Good Friday Agreement, which requires incorporation of the European Convention on Human Rights (ECHR) into Northern Ireland law – including with access to the courts and remedies for alleged violations of the Convention – the government's long-standing plans to weaken the HRA's protections could also jeopardise peace in the region, worsening existing threats to human rights.
- We recommend that the UK be reminded that its commitment to respecting its human rights treaty obligations is central to the Belfast/Good Friday Agreement, and therefore to the prevention of deadly violence and other potential harms in the region.

Introduction

1. Rights & Security International (RSI) is a London-based non-governmental organisation and registered charity that has been working since 1990 to hold governments to account for human rights violations committed in the context of national security. We were originally established as the Britain and Ireland Human Rights Project to promote human rights and accountability for abuses in Northern Ireland, and have decades of experience working on a cross-community basis in the region to advocate for rights and justice.
2. This submission will focus on events since the last Universal Periodic Review (UPR) of the United Kingdom of Great Britain and Northern Ireland (UK) in 2017. RSI believes proposed changes to the transitional justice process in Northern Ireland and to the fundamental human rights laws that apply throughout the UK would likely violate the UK's international obligations to provide access to justice and an effective remedy to victims of human rights violations.

Amnesty for alleged conflict-related crimes in Northern Ireland

3. In our view, the current transitional justice mechanisms in Northern Ireland have often fallen short of the requirements found in the International Covenant on Civil and Political Rights¹ (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment² (CAT), and the European Convention on Human Rights³ (ECHR) to effectively investigate relevant human rights abuses.⁴
4. The current system has been described as ‘fragmented’ by Amnesty International.⁵ At present, victims may seek justice through the Legacy Investigations Branch of the Police Service of Northern Ireland, the Police Ombudsman for Northern Ireland, an inquest or an inquiry. Each element of this fragmented system has a limited remit, with other individual shortcomings such as lack of funding or an inability to order disclosure from public authorities. As a result, many victims and families in Northern Ireland are still waiting for truth and justice decades after alleged human rights violations occurred.⁶
5. These shortcomings have been frequently recognised by both the UK courts and the European Court of Human Rights (ECtHR).⁷ For instance, in March 2021 the Council of Europe Committee of Ministers reopened its oversight – the process of monitoring the enforcement of ECtHR judgments – of the *McKerr* group of cases.⁸ The claimants in this group of cases successfully argued that the UK had failed to fulfil the obligation to effectively investigate potentially unlawful deaths under Article 2 of the ECHR (the right

¹ [International Covenant on Civil and Political Rights](#), New York, 16 December 1966, entered into force 23 March 1976, 999 UNTS 171. Principally the right to a remedy (Art. 2(3)), the right to life (Art. 6) and the prohibition of torture or cruel, inhuman or degrading treatment or punishment (Art. 7), as illustrated by Human Rights Committee, ‘[General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant](#)’, CCPR/C/21/Rev.1/Add.13, 26 May 2004, paras. 15, 20. In relation to enforced disappearances, see further Human Rights Committee, ‘[CCPR General Comment No. 6: Art. 6 \(Right to life\)](#)’, 30 April 1982, para. 4; Human Rights Committee, ‘[General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant](#)’, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para. 18.

² [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), New York, 10 December 1984, entered into force 26 June 1978, 1465 UNTS 85, Arts. 13-14.

³ Council of Europe, [Convention for the Protection of Human Rights and Fundamental Freedoms](#), Rome, 4 November 1950, entered into force 3 September 1953, 213 UNTS 221, Arts. 2-4; European Court of Human Rights, ‘[Guide to Article 2 on the European Convention on Human Rights: Right to life](#)’ (2021), pp. 32-46. In relation to enforced disappearances, the European Court of Human Rights has analysed enforced disappearances under Arts. 2 (right to life), 3 (prohibition of torture and cruel and human and degrading treatment or punishment), 5 (right to liberty and security) and 8 (right to private and family life): for a summary of the jurisprudence, see Council of Europe, ‘[Issue paper: Missing persons and victims of enforced disappearances in Europe](#)’ (2016), pp. 37-42.

⁴ See also, United Nations General Assembly Resolution 60/147, ‘[Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#)’, A/RES/60/147, 21 March 2006, Principles 2 and 11; United Nations Office of the High Commissioner for Human Rights, ‘[Minnesota Protocol of Potentially Unlawful Deaths](#)’ (2016), paras. 10-13, 38-40; United Nations Office of the High Commissioner for Human Rights, ‘[Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#)’ (2004) Professional Training Series No. 8/Rev.1, paras. 74-75 and Principle 1.

⁵ Amnesty International, ‘[Northern Ireland: Time to deal with the past](#)’ (12 September 2013), pp. 45-55.

⁶ Sandra Peake, ‘[WAVE on SoSNI Legacy Statement](#)’ (*WAVE Trauma Centre*, 14 July 2021); Cate McCurry and Jonathan McCambridge, ‘[Victims’ families ‘left in tears’ by Northern Ireland legacy plans](#)’ (*Belfast Telegraph*, 15 July 2015); Lisa O’Carroll, ‘[Troubles amnesty would be ‘kick in the teeth’, says daughter of victim](#)’ (*The Guardian*, 9 November 2021); Pat Finucane Centre, ‘[Submission by the Pat Finucane Centre – Addressing the Legacy of Northern Ireland’s Past](#)’ (October 2018).

⁷ Among others, see App. No. 58559/09, [Hemsworth v. the United Kingdom](#), Judgment, 16 July 2013; App. No. 30054/96, [Kelly and others v. the United Kingdom](#), Judgment, 4 May 2001; [Re Geraldine Finucane’s Application for Judicial Review](#) [2019] UKSC 7; [Re Brigid McCaughey and another’s Application for Judicial Review \(Northern Ireland\)](#) [2011] UKSC 20; [Re Margaret McQuillan and others’ Application for Judicial Review \(Northern Ireland\)](#) [2021] UKSC 55. See further Brice Dickson, [The European Convention on Human Rights and the Conflict in Northern Ireland](#) (Oxford: OUP, 2010).

⁸ Council of Europe Committee of Ministers, ‘[Supervision of the execution of the European Court’s judgments: H46-38 McKerr group v. the United Kingdom \(Application No. 28883/95\)](#)’, CM/Del/Dec(2021)1398/H46-38, 11 March 2021, para. 4. See also Rory Carroll, ‘[Council of Europe to reopen Pat Finucane murder review](#)’ (*The Guardian*, 12 March 2021). This oversight is ongoing after the UK did not provide any additional information to the Committee of Ministers: see Council of Europe Committee of Ministers, ‘[Supervision of the execution of the European Court’s judgments: H46-43 McKerr group v. the United Kingdom \(Application No. 28883/95\)](#)’, CM/Del/Dec(2022)1428/H46-43, March 9 March 2022.



to life), with continued monitoring indicating that the Committee does not believe that the UK has discharged its obligations.

6. Such concerns have already been raised during the second and third cycles of the UK's UPR. For instance, many States have raised concerns about the lack of resources available to the various transitional justice mechanisms.⁹ These recommendations have gone unheeded, such that the UK remains in breach of its international obligations to effectively investigate conflict-related deaths and other serious human rights abuses.
7. The UK government has had, and continues to have, many opportunities to create transitional justice mechanisms that would comply with the State's international obligations.¹⁰ The Stormont House Agreement (SHA), concluded in 2014, would – if scrupulously implemented – have created an independent investigative unit with powers to compel disclosure from relevant actors, as well as an information recovery mechanism, an oral history archive, and an Implementation and Reconciliation Commission which would examine the broader themes and patterns of the conflict.¹¹ The SHA had the consent of all political parties in Northern Ireland, showing that solutions other than a total amnesty are possible.
8. However, in July 2021, the UK government announced a renewed attempt to address the legacy of the violent conflict in Northern Ireland by proposing a threefold strategy: a mechanism for recovering evidence and information about the past, an oral history archive, and a 'statute of limitations'.¹²
9. RSI believes that these new proposals for addressing the legacy of the conflict – principally the norm the UK government describes as a 'statute of limitations' – would breach the UK's obligations under the ICCPR, CAT, and ECHR, to effectively investigate relevant human rights abuses.
10. First, it is important to explain that the 'statute of limitations' phrasing advanced by the UK government is potentially misleading, as the proposals set out by the government in its July 2021 white paper would amount to an amnesty: an official decision not to allow criminal prosecutions of, or civil cases against, *anyone* suspected of illegal conflict-related actions that occurred prior to the 1998 Belfast/Good Friday Agreement.¹³
11. In criminal justice systems, the existence of a statute of limitations – a deadline by which any prosecutions must be brought – encourages the state to bring its cases promptly before the courts, facilitating legal certainty for both the accused and accuser.¹⁴
12. By contrast, an amnesty pardons or exempts a person or group of persons from liability. Transitional justice experts Dr Francesca Lessa and Professor Leigh A. Payne, following a global comparative survey

⁹ Human Rights Council, [Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland](#), Thirty-sixth session, 14 July 2017, A/HRC/36/9, para. 134.156 (Switzerland); Human Rights Council, [Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland](#), Twenty-first session, 6 July 2012, A/HRC/21/9, para. 110.92 (United States of America). The Committee Against Torture has also raised concerns regarding the UK's approach to transitional justice, see Committee Against Torture, [Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland](#), 7 June 2019, CAT/C/GBR/CO/6, para. 7.

¹⁰ See also Human Rights Council, [Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland](#), Thirty-sixth session, 14 July 2017, A/HRC/36/9, para. 134.157. See also Human Rights Council, [Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland](#), Twenty-first session, 6 July 2012, A/HRC/21/9, para. 110.67 (Switzerland).

¹¹ [Stormont House Agreement](#) (2014). For more information, see Legacy Practitioners' Group, 'New Northern Ireland legacy proposals Threaten the Rule of Law and Truth Recovery: An open letter from legacy practitioners' (June 2021), as reported in [Irish Legal News](#).

¹² Northern Ireland Office, [Addressing the Legacy of Northern Ireland's Past](#), CP 498 (July 2021).

¹³ Northern Ireland Office, [Addressing the Legacy of Northern Ireland's Past](#), CP 498 (July 2021).

¹⁴ [Halsbury's Laws of England](#) (2021), vol. 68, section 291.

of amnesties, describe them as ‘legal measures adopted by states that have the effect of prospectively barring criminal prosecutions against certain individuals accused of committing human rights violations.’¹⁵

13. The *ex post facto* imposition of a ‘statute of limitations’ by the UK government has the effect of exempting a group of people from civil and/or criminal liability altogether, regardless of when criminal charges or a civil claim are brought.
14. The UN Office of the High Commissioner for Human Rights has released guidance on amnesties and international law; this guidance indicates that an amnesty may be rendered lawful only when it is used as a tool to aid disarmament, and is likely to be unlawful in instances where it excludes conduct which the State is obliged to effectively investigate as a matter of international law.¹⁶ The UK government is not planning to use this legislation to aid disarmament, which has already occurred.¹⁷ Instead, the proposed laws would remove liability for serious human rights abuses as potentially unlawful killings, in our view making the amnesty unlawful.¹⁸
15. Research by experts on the use of amnesties as a transitional justice mechanism indicates that the UK government’s proposed amnesty is an outlier on the international stage, with the vast majority of regimes tending against adopting broad amnesty for both civil and criminal cases without exception.¹⁹
16. Professor Louise Mallinder, such an expert, has stated that when compared with the 300 modern conflict-related amnesties she has studied, the UK’s proposed immunity for Troubles-related offences in Northern Ireland ‘would offer the broadest form of impunity of all the amnesties surveyed.’ She has further observed that the UK’s proposal would impose even more immunity than the one created by Augusto Pinochet in Chile, ‘usually held up as one of the worst’, including because the UK’s plan does not exclude sexual offences and would include cases already pending before the courts.²⁰
17. The fact that the UK’s proposals seem to be an outlier on the international stage further indicates that a blanket amnesty is deemed to be an unlawful transitional justice mechanism by the international community. If implemented, the UK would be violating its obligations under human rights laws.
18. The UK’s proposal would also leave people in Northern Ireland with even fewer opportunities for redress than people outside the UK who are harmed during the State’s military operations.

¹⁵ Francesca Lessa and Leigh A. Payne, ‘Introduction’, in Francesca Lessa and Leigh A. Payne (eds.), *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives* (Cambridge: CUP, 2012), p. 4. This also reflects the definitions of amnesties in the jurisprudence, particularly in the Inter-American human rights system; see Case 10.287, *El Salvador*, Report No. 26/92, 24 September 1992, Inter-American Commission on Human Rights, para. 1; *Case of Barrios Altos v. Peru*, Merits, Judgment of 14 March 2001, Inter-American Court of Human Rights, para. 41; *Case of the Massacres of El Mozote and Nearby Places v. El Salvador*, Merits, Judgment of 25 October 2012, paras. 283-284. For a summary of the jurisprudence, see App. No. 4455/10, *Marguš v. Croatia*, Judgment, 27 May 2014, European Court of Human Rights, paras. 30-68, 122-141.

¹⁶ United Nations Office of the High Commissioner for Human Rights, ‘Rule-of-law tools for post-conflict States: Amnesties’ (2009), at pp. 40-41 and 38-39 respectively.

¹⁷ For more information, see Martin Melaugh, ‘Irish Peace Process – Brief Note on Decommissioning’ (*CAIN*); Conor Lally, ‘The decommissioning of the Provisional IRA, 10 years on’ (*The Irish Times*, 26 September 2015); Brian Rowan, ‘Revealed: how UVF and UDA terror groups disarmed’ (*Belfast Telegraph*, 22 June 2009).

¹⁸ For more information, see Rights & Security International, ‘The Human Right to Effective Investigations and Northern Ireland ‘Legacy’ Cases: A Legal Explainer’ (September 2021).

¹⁹ Queen’s University Belfast and Committee on the Administration of Justice, ‘Addressing the Legacy of Northern Ireland’s Past: The Model Mill Team’s Response to the NIO Proposals’ (September 2021), pp. 21-34, 60-67.

²⁰ Committee on the Administration of Justice, ‘New report finds proposed UK government amnesty cannot deliver truth for victims of The Troubles’ (*Committee on the Administration of Justice*, 7 September 2021).



19. In 2021, the UK adopted new laws – highly problematic in human rights terms – that create a ‘presumption against prosecution’ for alleged offences that took place during overseas military operations, after a period of five years has passed.²¹ These new laws, found in the Overseas Operations (Service Personnel and Veterans) Act 2021 (OOA), also restrict civil proceedings for acts committed during overseas military operations, including those brought on grounds of breaches to fundamental human rights, to a period of six years after the act occurred, or a period of twelve months after the claimant became aware that the act was committed by a representative of the Ministry of Defence or the Secretary of State for Defence.²²
20. However, the UK government’s proposals for addressing the legacy of the conflict in Northern Ireland go even further, by completely removing the availability of civil and criminal justice. Proposing this drastic step also appears to demonstrate a complete lack of understanding of the trauma experienced by victims of human rights violations and how such trauma impacts their ability to initiate and pursue legal proceedings expeditiously.
21. The government has sought to justify both the pending transitional justice legislation for Northern Ireland and the OOA by asserting that military veterans have been, or could be, subjected to ‘vexatious claims’ and ‘vexatious prosecutions’ before the UK courts,²³ and in the Northern Ireland context that the ‘vast majority’ of killings by security forces ‘were lawful’.²⁴ The express aim is, therefore, to prevent cases involving the military and military veterans from reaching the civil or criminal courts, in effect granting immunity from prosecution and/or civil claims at the expense of victims’ rights and the societal benefits of a State’s compliance with its obligations under the human rights treaties to investigate serious offences. It is RSI’s conclusion, based on our extensive research, that the UK government has not provided evidence to support allegations that ‘vexatious claims’ and ‘vexatious prosecutions’ have occurred or are occurring in any systemic way.²⁵ Even if vexatious claims were a demonstrable problem, the UK’s legal obligations under the human rights treaties regarding effective investigations and remedies for victims remain unchanged.
22. RSI concludes that the UK government’s proposed total amnesty in Northern Ireland would lead to impunity for serious human rights abuses, in violation of its international human rights obligations.
23. This amnesty would also set a poor precedent for the rest of the world, potentially emboldening other States to ignore their obligations under the ICCPR and regional or other human rights treaties to carry out effective investigations of violations of certain rights, such as the right to life, and ensure that victims receive remedies. Human rights have little meaning if States can simply exempt themselves from holding anyone responsible for violations and providing redress.

Retgression of human rights protections in Northern Ireland

24. We recommend evaluating that the proposed amnesty with an awareness of its broader context, which includes additional legislative proposals that would seek to erode human rights protection throughout the UK, with particular implications for Northern Ireland. At the time of submission, the UK government is

²¹ [Overseas Operations \(Service Personnel and Veterans\) Act 2021](#), ss. 1-7.

²² [Overseas Operations \(Service Personnel and Veterans\) Act 2021](#), s. 11.

²³ Dan Sabbagh, [‘Peers vote to halt plans to limit UK soldiers’ accountability for war crimes’](#) (*The Guardian*, 13 April 2021); Danielle Sheridan, [‘Government defeated by Lords over bid for prosecution limit on soldiers for war crimes’](#) (*The Telegraph*, 13 April 2021); Helen Warrell, [‘UK defence ministry in U-turn over prosecution of troops’](#) (*Financial Times*, 20 April 2021).

²⁴ Northern Ireland Office, [‘Addressing the Legacy of Northern Ireland’s Past’](#), CP 498 (July 2021), pp. 9, 11, 19-21; Ralph Hewitt, [‘Pat Finucane Centre walks out of NIO meeting over claim Troubles killings by security forces “were lawful”’](#) (*Belfast Telegraph*, 22 July 2021).

²⁵ Rights & Security International, [‘Briefing: Research shows UK government is wrong about “vexatious claims” from Northern Ireland Conflict’](#) (16 December 2021).



holding consultations on proposed reforms to the Human Rights Act 1998 (HRA),²⁶ which would limit access to justice for victims of human rights violations, and – we conclude – likely violate the Belfast/Good Friday Agreement (B/GFA).²⁷

25. The HRA gives domestic effect to the ECHR, allowing claimants to bring proceedings alleging violations of their ECHR rights before the UK courts. This is the only method of direct access to the UK courts on the basis of human rights laws – there is no equivalent mechanism for alleged violations of other international human rights treaties.²⁸

26. The changes the UK government has proposed would call into question the UK’s compliance with its international human rights obligations to provide access to a remedy for victims of human rights abuses. RSI believes the proposals could violate many of the UK’s international human rights obligations, particularly those with a procedural limb requiring an effective investigation. However, our submission will focus on the right to a remedy for human rights violations, as the proposed changes could have additional stark implications for the peace process in Northern Ireland – potentially resulting in further human rights violations if unrest increases.

27. We highlight three key ideas (effectively, proposals) the government has set out during these consultations that would implicate access to justice and remedies: the introduction of a ‘permission stage’ in court proceedings, restrictions on standing to bring a claim – i.e., victim status – so that only claimants who have suffered a ‘significant disadvantage’ will be able to enforce their human rights before the courts, and the potential to limit remedies based on an individual’s prior conduct. The government has provided limited evidence to support these proposals, with multiple legal experts alleging that they seek to remedy problems that do not exist.²⁹

28. Cumulatively, these restrictions would impose barriers to effective investigations and remedies that run counter to the letter and spirit of the ICCPR, ECHR, CAT and other instruments. Making remedies dependent on a person’s past conduct – including, potentially, conduct that has no relevance to the alleged human rights violation – would eviscerate the fundamental premise of the ICCPR, the ECHR and essentially all human rights treaties that human rights belong to everyone and that all people must be equal in the eyes of the law. Further, the introduction of a ‘permission stage’ and the requirement that a claimant suffer a ‘significant disadvantage’ (it is unclear who would determine this and what criteria would be used) appear to be designed to foreclose many claims and could prevent individuals who have suffered genuine human rights violations from accessing a court.³⁰ This may prove especially true for individuals who

²⁶ Ministry of Justice, [‘Human Rights Act Reform: A Modern Bill of Rights – consultation’](#) (*Gov.uk*, 7 March 2022).

²⁷ Rights & Security International, [‘Rights & Security International’s Response to ‘Human Rights Act Reform: A Modern Bill of Rights’](#) (8 March 2022), pp. 3-6; Committee on the Administration of Justice, [‘CAJ Response to the Ministry of Justice Consultation ‘Human Rights Act Reform: A Modern Bill of Rights’](#) (March 2022), pp. 1, 4-5, 9-10, 13, 21.

²⁸ Lady Hale (now Baroness Hale of Richmond), [‘Equality and Human Rights: Oxford Equality Lecture 2018’](#), speech to the Law Faculty at the University of Oxford, 29 October 2018, p. 1. See further Committee Against Torture, [‘Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland’](#), 7 June 2019, CAT/C/GBR/CO/6, paras. 8-11; Committee on the Elimination of All Forms of Discrimination against Women, [‘Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland’](#), 14 March 2019, CEDAW/C/GBR/CO/8, paras. 8, 13-15; Committee on the Rights of Persons with Disabilities, [‘Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland’](#), 3 October 2017, CRPD/C/GBR/CO/1, paras. 6-7; Committee on the Rights of the Child, [‘Concluding observations: United Kingdom of Great Britain and Northern Ireland’](#), Forty-ninth session, 20 October 2008, CRC/C/GBR/CO/4, paras. 6-7, 10-11; Human Rights Committee, [‘Concluding observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland’](#), Ninety-third session, 30 July 2008, CCPR/C/GBR/CO/6, para. 6.

²⁹ For a useful summary, see Richard Clayton, [‘The Government’s New Proposals for the Human Rights Act: Part One – The Proposals in Outline’](#) (*UKCLA*, 4 January 2022); Richard Clayton, [‘The Government’s New Proposals for the Human Rights Act Part 2: An Assessment’](#) (*UKCLA*, 13 January 2022); Peter Clayton, [‘The Government’s New Proposals for the Human Rights Act Part 3: An Assessment’](#) (*UKCLA*, 14 January 2022).

³⁰ Ministry of Justice, [‘Human Rights Act Reform: A Modern Bill of Rights – consultation’](#) (*Gov.uk*, 7 March 2022), paras. 219-223.



already face systemic discrimination, who lack the resources to obtain legal help or who are otherwise in vulnerable or urgent situations.

29. These developments appear to demonstrate a lack of commitment to recommendations made by other States during the UK's prior UPR cycles, which advise continued integration of human rights principles into domestic law,³¹ and sustained aligning of laws and policies with international human rights standards.³²

30. The proposals to alter the HRA may have implications for the peace process in Northern Ireland. Under paragraph 2 of the 'Rights, safeguards and equality of opportunity' section of the Belfast/Good Friday Agreement,³³ the UK government is under an international obligation to 'complete incorporation into Northern Ireland law of the ECHR, with direct access to the courts, and remedies for breach of the Convention...'. RSI believes that, by restricting access to the courts and limiting the availability of remedies for victims of human rights violations, the UK government might also breach the B/GFA, thereby placing the peace agreement under further strain and increasing the risk of further human rights violations in the region.³⁴

Recommendations

31. Regarding unresolved human rights violations stemming from the conflict in Northern Ireland, RSI recommends that:

- a. The UK should not create an amnesty for unlawful killings and other human rights abuses committed during the conflict;³⁵
- b. The UK should instead carry out its commitments under the Stormont House Agreement;³⁶ and
- c. The UK should ensure that transitional justice mechanisms in Northern Ireland ensure a just, inclusive and equitable approach and receive full support and cooperation from each successive government.

32. RSI additionally recommends, regarding the system of legal human rights protections in the UK, that the UK should:

- a. Ensure that all human rights violations remain actionable before UK courts;
- b. Ensure that all victims of human rights violations are able to enforce their rights before the courts and receive a remedy, without placing unreasonable, arbitrary or potentially discriminatory qualifications on this access to justice; and

³¹ Human Rights Council, ['Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland'](#), Twenty-first session, 6 July 2012, A/HRC/21/9, para. 110.32 (Qatar).

³² Human Rights Council, ['Report of the Working Group on the Universal Periodic Review: United Kingdom of Great Britain and Northern Ireland'](#), Thirty-sixth session, 14 July 2017, A/HRC/36/9, para. 134.62 (Botswana).

³³ The [B/GFA](#) is an agreement between Northern Ireland political parties, and a separate agreement between the UK and Irish governments.

³⁴ Jonathan Freedland, ['Peace in Ireland is precious. Brexit has made us forget that'](#) (*The Guardian*, 4 October 2019); Duncan Morrow, ['Playing with fire: Brexit and the decay of the Good Friday Agreement'](#) (*LSE Blogs*, 1 August 2018).

³⁵ For further information, see Rights & Security International, ['Northern Ireland Legacy: How to Uphold International Human Rights Law'](#) (18 August 2021).

³⁶ Legacy Practitioners' Group, 'New Northern Ireland legacy proposals Threaten the Rule of Law and Truth Recovery: An open letter from legacy practitioners' (June 2021), as reported in the [Irish Legal News](#).

c. Re-commit to the terms of the Belfast/Good Friday Agreement and ensure that the human rights protections afforded under the agreement are protected.