**Britain must live up to its obligations on rights in North**

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The European Convention on Human Rights (ECHR) is 61 years old this year. Ireland was an initial signatory to the ECHR in 1953, but it was not until 2003 that the ECHR had some domestic effect in Irish law through the European Convention on Human Rights Act 2003 (ECHR Act 2003). The ECHR Act 2003 came about, in part, due to Ireland’s obligations under the Good Friday/ Belfast Agreement, where the Government committed to ensuring “at least an equivalent level of protection of human rights” with Northern Ireland.

Recently, the Conservative Party in Britain has published proposals on *Protecting Human Rights in the UK*. The Conservatives seek to justify an isolationist human rights policy, detached in some respects from the ECHR. The Conservatives have indicated that the ECHR and decisions of the Strasbourg Court will continue to bind the UK, but only where the Council of Europe, the body responsible for the creation of the ECHR, gives in to British demands for re-interpreting the ECHR. Where the Council of Europe refuses to do this, the Conservatives have indicated that they will withdraw Britain from the ECHR and repudiate the jurisdiction of the European Court of Human Rights. Regardless of whether the UK stays under the remit of the ECHR or not, the Conservatives are proposing a *British Bill of Rights and Responsibilities* that will be littered with ‘common sense’ approaches to protecting ‘serious’ human rights and disposing of human rights deemed ‘trivial’. *Protecting Human Rights in the UK* fails in any way to engage with the Irish dimension to this debate.

In the Good Friday/Belfast Agreement, the UK committed itself to incorporating the ECHR into the law of Northern Ireland. This was done through the Human Rights Act 1998 and the Northern Ireland Act 1998. The latter Act prohibits the Northern Ireland Assembly from adopting laws that contravene the rights established under the ECHR; prevents the Assembly from modifying the Human Rights Act 1998; empowers the Assembly to ask the Northern Ireland Human Rights Commission if a Bill is incompatible with human rights, including rights set down in the ECHR and prevents a Northern Ireland Assembly Minister and his/her department from approving any sub-ordinate legislation that is incompatible with rights under the ECHR.

Any *British Bill of Rights and Responsibilities* must, at least for Northern Ireland, reflect the minimum rights protections under the ECHR. If this is not the case, then it would break its international agreement with Ireland on the protection of human rights in Northern Ireland. The Minister for Justice and Equality and Minister for Foreign Affairs should make the British government, now and in the future, aware of its obligations to ensure the protection of human rights in Northern Ireland is at least to the level obligated by the ECHR. Otherwise, the value and purpose of the human rights provisions in the Good Friday/Belfast Agreement will be significantly lessened.

The debate in the UK on the ECHR also allows us in Ireland to reflect on the extent to which we are complying with our obligations under the ECHR. In the *Foy* case in 2007, the Irish High Court declared that Irish law as regards gender reassignment and recognition of transgendered persons was not in line with our obligations under the ECHR. Seven years later, the Oireachtas has not brought Irish law into compliance with our obligations under the ECHR. While there has been some movement on the rights of transgendered persons, including the publication of the General Scheme of the Gender Recognition Bill, some seven years after the High Court decision in *Foy*, Ireland is still in breach of its obligations under the ECHR. Rather than seeing this as a lesson on the futility of the ECHR Act 2003, the Irish government should, as a matter of urgency seek to ensure that our laws comply with the minimum standards of rights protection established under the ECHR. This will ensure that when Irish government representations are made to any future British government seeking to welch out of its human rights commitments in Northern Ireland that our own approach to the ECHR is one of compliance and respect for the fundamental values that the ECHR espouses.

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