



NO DEAL A Dangerous Threat to Our Rights

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The human rights risks of Brexit are clear. Our [Rights at Risk](#) report highlighted the number of human rights and equality safeguards in Northern Ireland that are underpinned by EU law.

The Human Rights Consortium has maintained throughout the process of the UK negotiating its exit from the EU that there need to be clear human rights safeguards built into any withdrawal agreement and future relationship agreement. The EU is more than a simple trading body. Alongside its single market for goods, services, capital and people, the EU has facilitated a common platform for social, economic and political cooperation across its member states, and provided the platform for normalisation of relations between the UK and Ireland.

EU law extends beyond trade to areas as diverse as security cooperation, environmental governance and regulation, access to healthcare and judicial cooperation. If the UK leaves the EU without a deal that safeguards rights, it will have a devastating impact on the lives of people living here.

Our Rights

One area of EU law which will not be carried over into UK law after Brexit is the EU Charter of Fundamental Rights. When the EU Withdrawal Act set out the legal framework for how existing EU law would be implemented in the UK after Brexit, it specifically [excluded the EU Charter](#).

Despite this obvious limitation, in December 2017 the UK [committed](#) to ensuring that there would be no-diminution of rights in Northern Ireland caused by the UK leaving the EU. This guarantee that there was to be no lowering of human rights standards was implemented through Article 4 of the draft Ireland/Northern Ireland (Backstop) Protocol to the [Withdrawal Agreement](#). While the commitments in the draft Backstop Protocol do not fully implement this undertaking, they do include some clear human rights guarantees.

In the event of a no deal Brexit, there will be no Withdrawal Agreement, which means no Backstop Protocol which guarantees rights. No deal also means there will be no transition period and on 29th March at 11pm, the

UK will leave the EU. As the clock runs down to Brexit Day, the time for implementing the necessary protections in UK law to shore up rights is running out and risks leaving a situation where gaps in human rights protection will only become apparent after Brexit.

A Hard Border

Northern Ireland is uniquely impacted by Brexit. Its geographic position means it is the only part of the UK with a land border with an EU member state. Without a deal, there will be an inevitable hardening of the border. While the checks that will need to be implemented will largely relate to goods, it will be impossible to carry out these checks without stopping people too. These checks will ultimately disrupt people's lives as they cross the border for work, study, leisure or socialising and visiting family and friends.

In addition, the safeguards of the Common Travel Area will only apply to British and Irish people. This means anyone who is not British or Irish will have to justify that they have a right to cross the border. This policy runs the risk of people being 'racially profiled' because of their skin colour, accent or some other attribute.

Security Cooperation

Our right to live peacefully and securely relies on an effective police service. In the event of No Deal our police service will lose access to important EU databases and cross-border security cooperation. EU security cooperation is based around common frameworks of data protection across all EU member states, which is supervised by the Court of Justice of the European Union. If the UK leaves with 'no deal' it will no longer be part of the EU-wide security cooperation framework. This has severe implications for security cooperation across the UK on serious crimes and terror offences. However, in Northern Ireland the proximity of the border would put people here at a higher risk, and this would have acute ramifications for vulnerable people. For example, the risk to child protection is very severe; a person working with children would be able to avoid a red flag on their criminal background check by simply crossing the border.

Right to health

The cooperation on healthcare provision on a north-basis is provided for by service level agreements between health care providers on both sides of the border. These agreements are underpinned by EU rules governing things like the regulation of medicines and data protection rules so that patient records can be shared across the border. In the event of no deal Brexit, the regulatory and governance framework for many of the practical aspects of cross-border cooperation would be lost. This places this cross-border healthcare cooperation at risk.

In addition, if the UK leaves the EU without a deal, it means it will not have the transition period to put in place new legal and governance frameworks for the use of chemicals and radioisotopes for medical purposes. The use, import and manufacture of these products are regulated and supervised by EU legal frameworks and regulators. In the event of no deal, there will be no UK legal framework or system for supervising the use, transport and manufacture of these products.

Civil Judicial Cooperation

EU regulations form the scaffolding upon which there is cooperation across the legal systems of all EU member states. For example, this provides the framework for the implementation of family law decisions from Northern Ireland in Ireland and vice versa. This means that a person cannot avoid child custody or maintenance agreements or court orders by moving across the border.

In addition, legal cooperation across borders facilitates the protection of people who are fleeing domestic violence. European Protection Orders allow for a non-molestation order issued in NI to be enforceable across all member states of the EU. This is particularly important in the context of people moving across the border here to flee abusive relationships.

Our Environment

Environmental regulation and governance across the UK are underpinned by EU regulations and institutions. These regulations protect the quality of air we breathe, the water in our rivers and lakes and our rural and urban environments. Northern Ireland shares river basins and a land border with Ireland. Environmental risks do not stop at the border and there will be a need for continued north-south cooperation across a range of areas of environmental regulation and enforcement. In the event of a no deal Brexit, there will be no time for the replication of EU supervision and governance structures in Northern Ireland and there is a risk that environmental standards here will fall without these safeguards. Moreover, the mechanisms for cross-border environmental cooperation will be lost, which risks harmful environmental consequences.



Human Rights Consortium

Telephone: 028 9031 3780

Email: kevin@humanrightsconsortium.org

Website: www.humanrightsconsortium.org

Twitter: @BillofRightsNI