**Research Instrument**

**RESEARCH CONTEXT AND PURPOSE**

N. Ireland is the region of the UK most at risk from Brexit. Like Scotland, a majority voted to remain in the EU. This project is a collaboration between the Law Schools in Queen’s University Belfast and Ulster University and the region’s principal human rights organisation, the Committee on the Administration of Justice.

The project is designed to disentangle the legal elements of Brexit with regard to N. Ireland and to communicate the related policy and practice implications in user-friendly formats. The audiences to be addressed include parliamentarians and policymakers in NI, Britain, the EU and the ROI, as well as wider civil society. The project team are focusing on two broad and closely inter-connected areas (i) issues related to the constitutional position of N. Ireland and the process of conflict transformation and (ii) questions related to the protection of human rights and equality.

The EU has provided practical, financial and political support as well as essential legal protections for post-conflict N. Ireland. The constitutional arrangements in the Good Friday Agreement assumed common EU membership. Brexit risks arousing tensions around the land border and citizenship that have been moderated by EU membership. More generally, many view departure from the EU as having energised a culture of intolerance and disrespect, seen in the language of ‘taking back control’ (focused on immigration), and calls to repeal the Human Rights Act. The collapse of the N. Ireland Assembly in January 2017 renders the need for user-friendly non-partisan legal and policy advice on complex matters related to N. Ireland and Brexit all the more compelling. This main purpose of this project is to address that need.

1. QUESTIONS ON RESPONDENT’S VIEWS RELATING TO THE IMPACT OF BREXIT ON THE PEACE PROCESS
2. Can you outline the role that the EU has played in N. Ireland, in particular with respect to the peace process? (Possible probing questions include: Can you give us specific examples of the contribution? In what ways did this EU contribution assist?)
3. What is your view of the impact of Brexit on the peace process? (Possible probing questions include: What role did Brexit play in the collapse of the NI Executive in January 2017? What is your view of the different positions taken by the N. Ireland political parties both before and after the referendum? How have the unionist and nationalist communities reacted to Brexit?) (The unionist position on the EU referendum is that regardless of the fact that a clear majority of people in NI voted remain, the majority of people in the UK as a whole voted to leave the EU should be binding, whereas the nationalist position is the one reflected in the Good Friday Agreement.) What impact if any do you think that will have on the future constitutional status of Northern Ireland?
4. Can you tell us what impact Brexit has had on your own role and work? (Possible probing questions include: What is your personal view of the Brexit outcome and what has followed? How will Brexit impact on your role in the future?)
5. Do you think the potential consequences for N. Ireland played any part in discussions prior to the ‘leave’ vote? (Possible probing questions include: Can you give us an example of the work undertaken? Was the possibility of a leave vote discussed and considered?)
6. What do you believe the implications of Brexit are for the Good Friday Agreement and subsequent agreements? (Possible probing questions include: Give examples of where you think Brexit has a precise impact? What did you think of the Brexit litigation and the judgment of the SC?)
7. What is your view of the response of the Irish Government, the British Government, political parties, civil service and civil society to Brexit? (Possible probing questions include: Are you aware of the preparations made by the NI civil service? Could you describe the key elements of this? Could you outline the way the Irish Government has approached this? What did you think of the all-island Civic Dialogue? What role does the SoSNI have in the Brexit negotiations? What role do the political parties in NI have?)
8. Can you outline any preparations made by the NI Executive as well as the part played by Brexit in the political discussions in the first half of 2017? (Possible probing questions: Do you think the political parties are privately closer on their approach than is often suggested? What is your view of the progress made by the working group that was looking at Brexit within the negotiations?)
9. What is your view of the debate around *special status*? Could you outline your thoughts on the unique/particular circumstances of N. Ireland and how these might be reflected in the Brexit negotiations? What are those circumstances? (Possible probing questions include: Do you have any preferences in terms of the models currently being discussed? Do you have your own thoughts on how these circumstances should be reflected in what emerges from the negotiations?)
10. What is your view of the part played by the EU in the current negotiations? (Possible probing questions include: Why has the EU paid so much attend to the Irish dimension? How did a potential referendum on Irish unity end up becoming so central to the discussion? For RoI respondents in particular Has Brexit changed the terms of the debate on Irish Unity amongst the political parties in the Republic? If so, why? What is your view of the approach of Michel Barnier and his team?)
11. How do you think N. Ireland will develop in the post-Brexit context?
12. Are there any specific solutions/policies that you think should be or will be implemented in relation to the peace process?
13. QUESTIONS ON RESPONDENT’S VIEWS RELATING TO THE IMPACT OF BREXIT ON NORTH-SOUTH RELATIONS
14. What impact has *membership of the EU* historically had on north-south political and other relations? (Possible probing questions include: Can you give specific examples of this impact in terms of institutions or policies? Could you outline your own role in this work?)
15. What impact is the Brexit process having on north-south relations? (Possible probing questions include: Can you provide examples of this impact? How has it impacted on relationships between the political parties on the island and across these islands? What has the effect been on existing forums of co-operation?)
16. Can you outline how NI/Ireland, and the border question, ended up featuring so prominently in the public debate? (Possible probing questions include: What factors have influenced the north-south debate and who are the key drivers/influencers in factoring north-south relationship into these negotiations?)
17. What in your view are the constitutional implications of Brexit for this island (particularly for those institutions established under the Good Friday Agreement)? (Possible probing questions include: How has the NSMC handled discussions of Brexit? What role should the NSMC have in future?)
18. How will north-south relations be managed post-Brexit? (Possible probing questions include: Can this be managed from within the existing structures or do you think additional structures will be needed?) e.g. should more thought be given to the constitutional arrangements in the Republic regarding protecting Unionist identity and human rights in the context of a United Ireland?
19. Are there any specific solutions/policies that you think should be or will be implemented in relation to north-south relations issues?
20. QUESTIONS ON RESPONDENT’S VIEWS RELATING TO THE IMPACT OF BREXIT ON BORDER CONTROLS AND FREE MOVEMENT
21. Could you outline your understanding of how free movement currently works on the island of Ireland and between these islands? (Possible probing questions include: Do you think the realities of movement (and migration control) between the jurisdictions on this island are well understood? What role has membership of the EU played in free movement on the island? What pressures does Brexit place on the current arrangements?)
22. What do you think the impact of Brexit has been to date in relation to (non-British/Irish) EU nationals living in NI? (Possible probing questions include: What about the impact on non-EU/EEA migrants in NI?)
23. What are the immigration and asylum consequences of Brexit? What should a post-Brexit immigration and asylum policy look like (for N. Ireland and the UK)? Possible probing questions include: Do you think the current framework, and the implications, are fully understood within affected communities? Has advice has been made available? If so, what sources of advice are people relying on?)
24. How should Ireland approach its future relationship with the EU in this area? (Possible probing questions include: It has historically worked closely with the UK, for example, in its approach to the Common European Asylum System – will that closeness continue? Should Ireland now participate fully in the CEAS (rather than maintain its opt-in position with the UK)? Should the UK remain within the Dubin Regulation system, even after leaving the EU?)
25. What do you think the language of an invisible or frictionless border on this island in fact means? (Possible probing questions include: Can you provide comparative examples of how border control works elsewhere in the EU with related issues? Are there risks attached to all this, for example, the rise of further internal controls and the risks of subcontracting immigration controls (e.g. to landlords/schools/hospitals?)
26. What is your understanding of the CTA and how it has operated thus far? Why do you think so much emphasis has been placed on it, and is this focus merited? How do you think the CTA should be developed in the time ahead? (Possible probing questions include: Should the CTA be formalised? What does the CTA in fact do?)
27. What impact do you believe Brexit will have on Irish immigration and asylum law and policy?
28. Are there any specific solutions/policies that you think should be or will be implemented in relation to border controls and free movement issues?
29. QUESTIONS ON RESPONDENT’S VIEWS RELATING TO THE IMPACT OF BREXIT ON XENOPHOBIA AND RACISM IN N. IRELAND
30. Could you outline your views on the current legal and policy framework for tackling racism and xenophobia in N. Ireland? (Possible probing questions include: Do you think the current framework is adequate – please give examples? How do you think policies to tackle racism are being implemented in practice – please give examples?)
31. What role do you believe the EU has had in relation to tacking racial discrimination in N. Ireland?
32. How do you consider the situation in relation to xenophobia and racism and the treatment of migrants in NI was *before* the Brexit referendum? (Possible probing questions include: could you provide example of problems and concerns?)
33. What impact do you believe that Brexit is having on xenophobia and racism in N. Ireland? (Possible probing questions include: Could you provide examples of particular problems and concerns? What is the evidence in N. Ireland in relation to hate crime?)
34. What are the implications of Brexit for xenophobia and racism on the island of Ireland, particularly as this relates to racial profiling and debates over the nature of the border? (Possible probing questions include: What training is available to those operationalising these systems? What existing problems are there?)
35. What has the impact been, in N. Ireland, for citizens of other EU member states? How have communities reacted and responded to Brexit? (Possible probing questions include: Is there evidence of people leaving N. Ireland or of being displaced within N. Ireland/UK? What has your own experience of this been? Is the experience the same across N. Ireland?)
36. What work has been undertaken by relevant organisations to tackle this problem? Do you have any views on how effective these efforts have been?
37. QUESTIONS ON RESPONDENT’S VIEWS RELATING TO THE IMPACT OF BREXIT AND SOCIO-ECONOMIC RIGHTS IN N.IRELAND
38. Could you outline ways you think the EU is relevant to protecting socio-economic rights in N. Ireland? (Possible probing questions include: Have you any views on the EU Charter of Fundamental Rights? Do you think the economic costs will have a social impact – please give some examples?)
39. What are your thoughts on the current framework for the protection of socio-economic rights in N. Ireland? Are there any ways this could be enhanced? (Possible probing questions include: Were you involved in the NI Bill of Rights process – do you have a view on it and the discussion of socio-economic rights that took place there?)
40. What role do you believe EU law and policy has played in, for example, the protection of employment rights in N. Ireland? What are the specific implications of Brexit in that area?
41. What is the potential and likely impact on socio-economic rights over the longer term, given the implications for the N. Ireland economy?
42. What complications are there for cross-border workers and the protection of their rights (and the rights of their family members)?
43. What socio-economic impacts might there be for specific communities, such as rural communities?
44. Do you have any views on the role of trade agreements in protecting social and economic rights in the future?
45. Are there any specific solutions/policies that you think should be or will be implemented in relation to socio-economic rights issues?
46. QUESTIONS ON RESPONDENT’S VIEWS RELATING TO THE IMPACT OF BREXIT ON HUMAN RIGHTS AND EQUALITY ISSUES IN N.IRELAND (INCLUDING LGBTQ RIGHTS, ANTI-SECTARIANISM, GENDER EQUALITY, CHILDREN’S RIGHTS)
47. Could you outline your views on the current framework for the protection of human rights and equality in N. Ireland? (Possible probing questions include: Is it adequate? Is there an opportunity to revisit the current framework? If so, how, and what reforms might be made?)
48. What are your thoughts on the *EU’s approach* to human rights and equality? (Possible probing questions include: Can you give practical examples of where you believe it has made a difference and/or contains significant guarantees? Has it been of relevance to any particular groups or in the development of specific equality grounds? What is the future direction of the EU’s approach? How well known is the EU Charter of Fundamental Rights and the work of the EU Fundamental Rights Agency? Do you think Brexit provides an opportunity to revisit conversations around the Bill of Rights and Charter of Rights?)
49. Do you have any view on the likely impact of the EU Withdrawal Bill (nee Great Repeal Bill) and the vesting of powers in devolved ministers regarding the amendment or adoption of EU derived legislation into domestic law (Possible probing question: on anti-discrimination legislation)
50. Do you have any thoughts on the response of the relevant statutory bodies (for example, NIHRC, ECNI, NICCY) to Brexit? (Possible probing questions include: How do you think these bodies reacted to Brexit? Is there evidence of internal reflection around possible responses?)
51. Do you have views on the response of relevant NGOs to Brexit, as it relates to matters of human rights and equality? (Possible probing questions include: Are common themes emerging in the NGO responses? How effective have they been?)
52. What contribution does EU law, policy and practice make to human rights and equality in N. Ireland? (Possible probing questions include: Can you provide any examples where EU law and policy made a difference? If so, can you explain why this was the case? What might happen in a post-Brexit context?)
53. What are your thoughts on the impact of Brexit on rights and equality in NI in the short, medium and long term?
54. Have you noticed any specific impacts across different sectors? If so, could you outline what these are?
55. Are there any specific solutions/policies that you think should be or will be implemented in relation to human rights and equality issues?