

The EU as promoter of anti-discrimination rights in its neighbourhood – comparing Northern Ireland and Ukraine

IHREC (Dublin), 6 February 2024, 3 - 5 pm. Concept & Call for papers

This seminar explores to what extent the EU effectively promotes anti-discrimination rights in its neighbourhood, using Northern Ireland as part of the new Western neighbourhood and Ukraine as part of the Eastern neighbourhood as examples, while combining practical and academic approaches on the integrative capacity of EU anti-discrimination law in the face of far-right populist challenges.

Northern Ireland and Ukraine as the most Western and Eastern state(let)s in the EU's neighbourhood both have a complex relationship to the EU: while Northern Ireland has left the EU as part of the UK, its population mainly voted against "Brexit", (Schiek, 2018, p. 376) mirroring a recognition of EU integration as an important element of retaining the fragile peace in the region. (Cochrane, 2021, pp. 318-334) Ukraine's relationship with the EU has moved from the pro-European zest of the "Orange Revolution" (Copenhagen Economics, 2018; Wolczuk, 2008) towards a more moderate approach, with the 2014 Russian invasion in Crimea and conflicts in the Donetsk area instigated a partial pro-Russian (re)orientation. (Stryjek, 2020) Yet the 2014 EU-Ukraine Association Agreement constituted a first step towards Europeanisation, (Petrov, 2018; Van der Loo, 2016) becoming more decisive with the first application for membership tendered in 2022 after the renewed Russian attack (Van der Loo & Van Elsuwege, 2022; Petrov, 2022)

Northern Ireland's history of conflict between "nationalist" and "unionist" communities is the basis on which the Good Friday/Belfast Agreement required anti-discrimination law of a broad orientation to be adopted in the region. Ukraine also accommodates different identities, in particular Ukrainian and Russian ethnicities, with resulting challenges. EU Anti-discrimination law going beyond racial and ethnic conflict may constitute a marker of civic progress in a country torn between orientation towards the EU and Russia and a region torn by identitarian conflicts. Conversely, anti-discrimination law, in particular in relation to gender equality in the widest sense (comprising protection of alternative life styles and changes of gender identity) had become a bone of contention for political forces challenging modernity and/or the rule of law and economic openness in both regions (Archer, 2022; Dietze & Roth, 2020; Shevtsova, 2023)

Anti-discrimination law is part of the legal framework governing relations with the EU in both regions. In Northern Ireland the Withdrawal Agreement, now referred to as "Windsor Framework" (Joint Committee, 2023), provides for anti-discrimination rights required during EU membership to be maintained, and for the regional Equality Commission (ECNI) and Human Rights Commission (NIHRC), to raise concerns if that obligation is neglected. (de Mars, et al., 2020; IHREC, NIHRC, ECNI, 2022) The EU/Ukraine Association Agreement provides for progressive adaptation of the EU anti-discrimination acquis with future changes. (Fedorovych, 2017) We question whether these agreements with the EU promote citizens' non-discrimination rights effectively. 2 key-note speakers will critically assess the situation in the 2 regions: [Prof Rory O'Connell, Ulster University, Belfast](#), and [Mariya Yasenova \(European Disability Forum\)](#), a Ukrainian human rights & non-discrimination expert of 20 years experience.

We invite papers engaging with aspects of the theme outlined above. Send a title, 150-300 words abstract, and 50 words bio to CEI@ucc.ie or dagmar.schiek1@ucd.ie

References

- Archer, N., 2022. *Gay cake case shows power of US Christian Right..* s.l.:Open Democracy.
- Cochrane, F., 2021. *Northern Ireland: The Fragile Peace.* Yale: Yale University Press.
- Copenhagen Economics, 2018. *Ireland and the Impact of Brexit. Strategic Implications for Ireland arising from changing EU UK Trade Relations. Study prepared for the Department of Business, Enterprise and Innovation, for the Government of Ireland..* Copenhagen, Stockholm, Helsinki, Brussels: Copenhagen Economics.
- de Mars, S., O'Donoghue, A. & Warwick, B., 2020. *Continuing EU Citizenship 'Rights, Opportunities and Benefits' in Northern Ireland after Brexit.* Dublin: Northern Ireland Human Rights Commission and the Irish Human Rights and Equality Commission.
- Dietze, G. & Roth, J., 2020. *Right-Wing Populism and Gender: European Perspectives and Beyond.* Berlin: Transcript Verlag.
- Fedorovych, I., 2017. *Anti-Discrimination Legislation in Ukraine: BOx-Ticking for the EU or Real Reforms to ensure Equality for Ukraine's Citizens?.* London: OSI.
- IHREC, NIHRC, ECNI, 2022. *Equality and Rights on the Island of Ireland after Brexit (Joint report of Irish Human Rights and Equality Commission (IHREC), Northern Ireland Human Rights Commission (NIHRC), Equality Commission Northern Ireland (ECNI)).* Belfast and Dublin: IHREC, NIHRC, ECNI.
- Joint Committee, 2023. Decision No 1/2023 of 24 March 2023 of the Joint Committee Established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. *Official Journal of the European Union (OJ) L*, pp. 62-83.
- Petrov, R., 2018. EU Common Values in the EU-Ukraine Association Agreement: Anchor to Democracy?. *Baltic Journal of European Studies*, 8(1), pp. 49-62.
- Petrov, R., 2022. "Accession through war" - Ukraine's road to the EU (Guest Editorial). *Common Market Law Review*, pp. 1289-1300.
- Schiek, D., 2018. Brexit on the island of Ireland: beyond unique circumstances. *Northern Ireland Legal Quarterly*, 69(3), pp. 367-395.
- Shevtsova, M., 2023. Religion, Nation, State and Anti-Gender Politics in Georgia and Ukraine. *Problems of Post-Communism*, pp. 253-275.
- Stryjek, T., 2020. Ukraine between the European Union and Russia since 1991. In: A. Wylegala & M. Glowaka-Grajper, eds. *The Buden of the Past. History, Memory and Identity in contemporary Ukraine.* Indiana: Indiana University Press, pp. 253-275.
- Van der Loo, G. & Van Elsuwege, P., 2022. *The EU-Ukraine Association Agreement after Ukraine's Membership Application: Still Fit for Purpose.* Brussels: European Policy Centre.
- Van der Loo, G., 2016. *The EU-Ukraine Association Agreement and Deep and Comprehensive Free Trade Relationship.* Leiden: Martinus Nijhoff.
- Wolczuk, K., 2008. Ukraine and its relations to the EU in the Context of the EU Neighbourhood Policy. In: *Ukraine - quo vadis?.* Paris: Institute for Security Studies, European Union, pp. 87-118.



EU Integration and Citizens' Rights

Jean Monnet Centre of Excellence

