



# Preface: International human rights law and devolution in the UK

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It is an immense privilege to write this preface for a special issue of the Northern Ireland Legal Quarterly on International Human Rights Law (IHRL) and Devolution in the United Kingdom (UK). The editors, Jane Rooney and Conor McCormick, have brought together an impressive collection of articles speaking to a wide range of issues, from prisoner voting to abortion rights to the right to be free from torture, and from the rights of the child to economic, social and cultural rights, to children's rights, to devolved administrations' engagement with, and monitoring by, United Nations (UN) treaty-monitoring bodies. The authors, leading scholars from institutions across Northern Ireland, Scotland, England and Wales, provide much food for thought in their insightful commentaries.

It is clear that IHRL intersects with a number of devolved areas of law, including health, housing and education, and thus it may fall on devolved administrations to give full effect to the human rights obligations of the state. There is, however, uncertainty over the extent to which devolved nations are duty-bearers in this regard, and the extent of their powers to give effect to international human rights treaties to which the UK is a party. Conversely, where a devolved government is unwilling or unable to give full effect to human rights law obligations, particularly in politically controversial areas, there is a question over how and when the Westminster Government can intervene to do so.

To say that this special issue is timely would be an understatement. At the time of writing, Scotland had just announced its revised plans to incorporate the UN Convention on the Rights of the Child, in response to the UK Supreme Court's 2021 judgment that the previous Bill would exceed Holyrood's legislative competence. Brexit, proposed changes to the UK's Human Rights Act 1998, abortion law reforms in Northern Ireland (pushed through by Westminster in the absence of a functioning devolved administration) and the UK Government's interventions on proposed gender recognition reforms in Scotland, amongst other ongoing issues, all speak to continued tensions between devolved nations and Westminster that will remain central

to debates around decision-making, devolved competences and the implementation of human rights law going forward.

I have no doubt that this special issue represents the start of an important new research agenda into the constitutional and political complexities surrounding devolution in the UK and international human rights law. I commend the editors and contributors for their exceptional contributions to this conversation.

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