



New inter-State application brought by Ireland against the United Kingdom

The Government of Ireland has lodged a new application with the European Court of Human Rights against the United Kingdom. The case concerns the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which was signed into law on 18 September 2023.

Further information on inter-State cases can be found [here](#).

On 17 January 2024 the Government of Ireland lodged a new inter-State application against the United Kingdom under Article 33 (inter-State cases) of the European Convention on Human Rights.

The inter-State application has been registered under no. 1859/24.

The application concerns the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which was signed into law on 18 September 2023. The stated purposes of the Act are to address the legacy of the Troubles – a conflict in Northern Ireland that lasted from the late 1960s to 1998 – and promote reconciliation.

The Irish Government argue that certain provisions of the Act are not compatible with the European Convention. They rely on Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 6 (right to a fair trial), 13 (right to an effective remedy), and 14 (prohibition of discrimination).

The Irish Government allege, in particular, that sections 19, 39, 40 and 41 of the Act guarantee immunity from prosecution for Troubles-related offences, provided that certain conditions are met, contrary to Articles 2 (right to life) and 3 (prohibition of torture and inhuman or degrading treatment) of the Convention; that Parts 2 and 3 of the Act replace current mechanisms for information recovery with respect to Troubles-related offences (including police investigations and coronial inquests) with a review by a newly-established Independent Commission for Reconciliation and Information Recovery, contrary to Articles 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 13 (right to an effective remedy); and that section 43 of the Act prevents both the initiation of new Troubles-related civil actions before the courts and the continuation of civil actions not commenced before 17 May 2022, contrary to Article 6 (right to a fair trial) read alone and in conjunction with Article 14 of the Convention (prohibition of discrimination).

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This is the second inter-State case between the States following *Ireland v. the United Kingdom* (no. 5310/71), in which the Court found against the United Kingdom in 1978. The Court rejected an application by the Government of Ireland to revise that judgment [on 20 March 2018](#).

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Further information on inter-State cases and how they are processed can be found [here](#).

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Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Neil Connolly (tel.: + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Jane Swift (tel.: + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.