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The Three Commissions warn continued vigilance required to ensure no diminution of rights in first post-Brexit Annual Joint Report

The Irish Human Rights and Equality Commission, the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission ('the Commissions') have today launched their Annual Joint Report, their first since they took over their new roles in respect of Protocol Article 2.

It outlines the joint work of the Commissions in providing oversight of, and reporting on, rights and equalities issues with an island of Ireland dimension falling within the scope of Article 2 of the Ireland/Northern Ireland Protocol to the EU-UK Withdrawal Agreement ('Protocol Article 2').

In Protocol Article 2, the UK Government made a commitment to protect certain equality and human rights standards in Northern Ireland after Brexit. The two Northern Ireland bodies have been given additional roles and responsibilities to oversee this commitment in Northern Ireland. In addition, they are working in partnership with the Irish Human Rights and Equality Commission to monitor and report on the relevant equality and human rights issues that have an island of Ireland dimension.

The report details the wide-ranging joint work of the Commissions in this context over the period January 2021 – September 2022. In this time, the Commissions engaged with key stakeholders, including Irish Minister of Foreign Affairs Simon Coveney TD and then Minister of State for Northern Ireland Conor Burns MP, to underscore the importance of safeguarding Protocol Article 2.

There were multiple joint appearances before Parliamentary committees in Dublin and Stormont to brief elected members on pressing issues - for example, how the UK's proposed introduction of Electronic Travel Authorisations may impact rights on the island of Ireland.

The Commissions engaged proactively with civil society on a regular basis to hear directly the lived experiences of Brexit to date, and progressed upcoming research on the impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland, due for publication in January 2023.

Commissioner members from IHREC, ECNI and NIHRC met today in Dublin to review progress to date and plan future joint working.

Sinéad Gibney, Chief Commissioner, IHREC:

“Given the significant and evolving risks to equality and human rights on the island of Ireland post-Brexit, the joint work of our three Commissions is more important now than ever. As this report shows, we’re working well together, as our organisations have historically done, to deal with this latest set of challenges and to support each other in discharging our mandates to promote and protect human rights and equality for everyone on the island of Ireland.”

Geraldine McGahey OBE, Chief Commissioner, ECNI:

“Over the course of our work, we have identified several new laws that risk breaching the Protocol Article 2 commitments and we will be monitoring these closely as they are implemented. We have also identified EU developments where there is a risk of divergence of rights on the island more broadly including in areas such as work-life balance, the EU accessibility act and gender pay transparency. . We will be making government agencies and legislatures aware of the potential for divergence as its essential that our equality and human rights law keep pace with future EU laws that enhance equality and human rights protections.”

Alyson Kilpatrick, Chief Commissioner, NIHRC:

“A key part of our work together over the last 18 months has been engaging with community groups and representatives in cross-border areas including in Armagh and Derry/Londonderry. This enables us to connect with, and learn from, the experience of rights holders, particularly the communities on both sides of the Border whose day to day lives are hugely impacted by Brexit. We have also made regular appearances before parliamentary committees in both Dublin and Stormont, to raise awareness of the rights protected after Brexit and how the no diminution commitment should be factored into policy-making and legislation.”

Editor’s Note

Download a full copy of the report in pdf format:

- [Equality and rights on the island of Ireland after Brexit: Annual Joint report on IHREC, ECNI and NIHRC on the implementation of Article 2 of the Ireland/Northern Ireland Protocol](#)

Overview of the Commissions

The Irish Human Rights and Equality Commission (IHREC) is an independent public body, appointed by the President of Ireland and directly accountable to the Oireachtas. The Commission has a statutory remit set out under the Irish Human Rights and Equality Commission Act (2014) to protect and promote human rights and equality in Ireland, and build a culture of respect for human rights, equality and intercultural understanding in the State. It is Ireland’s national human rights institution and is also the national equality body for the purpose of a range of EU anti-discrimination measures. It is accredited as an ‘A-Status’ National Human Rights Institution by the United Nations.

The Northern Ireland Human Rights Commission is a non-departmental public body established following the Belfast (Good Friday) Agreement and pursuant to the Northern Ireland Act 1998. The NIHRC is a National Human Rights Institution with 'A-Status' accreditation from the United Nations.

The Equality Commission for Northern Ireland (ECNI) is a non-departmental public body with powers and duties that derive from the anti-discrimination legislation in Northern Ireland and the Northern Ireland Act 1998.

Schedule 3 of the European Union (Withdrawal Agreement) Act 2020 confers new functions on both the NIHRC and ECNI to enable them to act as part of the 'dedicated mechanism' (DM), to monitor, advise, report on and enforce the UK's adherence to its Protocol Article 2 commitment that there will be no diminution of rights, safeguards or equality of opportunity in Northern Ireland as a result of the UK's exit from the EU.

NIHRC, ECNI and IHREC work together to provide oversight of, and reporting on, rights and equalities issues falling within the scope of the commitment that have an island of Ireland dimension.

To find out more about the UK Government's commitment under Article 2 of the Ireland/Northern Ireland Protocol or about making a complaint in the event of an alleged breach of this commitment, please contact the Equality Commission for Northern Ireland www.equalityni.org/brexit or the Northern Ireland Human Rights Commission www.nihrc.org/human-rights-after-brexit

