



1 December 2022

Clarifying the Scope of Protocol Protections is Key to Ensuring Equality and Human Rights are upheld post Brexit

The Equality Commission and the Northern Ireland Human Rights Commission have today launched their joint Working Paper sets out their views on the scope of equality and human rights protected under the Ireland/ Northern Ireland Protocol.

This important paper focuses on the extent of the UK Government's commitment, under Article 2 of the Protocol, to protect certain equality and human rights after Brexit.

The Working Paper provides an informed position on how the non-diminution commitment will work in practice and on the types of rights, safeguards and equality of opportunity protections that could potentially fall under the Article 2 commitment.

Speaking about the significance of the paper so far, ECNI Chief Commissioner, Geraldine McGahey said:

"People need clarity regarding which of their rights are protected from diminution after Brexit. A key priority for both Commissions was to set out what we considered to be the extent of rights and laws that fall within the scope of the Protocol.

"Protocol Article 2 is complicated, and it is not always straightforward to identify relevant protections and potential breaches of those protections. Clarifying the scope of Protocol Article 2 will be a key component to the protection of post Brexit equality and human rights here in Northern Ireland.

"While the Courts will be the ultimate decision maker, our joint Working Paper explores the potential scope of this important commitment by the UK Government and will be a useful tool, not just for us, but for any individual or organisation considering what Article 2 is likely to mean in practice. This includes government officials, lawyers, public bodies, civil society organisations and anyone working in law or policy with an interest in this emerging area.

"As and when challenges come before the Courts and rulings are handed down, we will update and amend our paper if necessary to ensure it remains relevant and accurate.

"With this information, the Commissions will be able to better hold the Government to account should potential breaches occur and provide advice and assistance to those individuals concerned about their post Brexit rights".

NIHRC Chief Commissioner, Alyson Kilpatrick said:

“This report is the culmination of our joint oversight of the UK Government’s commitment in Protocol Article 2. It is the product of many contributors; it reflects significant engagement and considerable investment of time and energy.

“Today’s launch is positive but is against a backdrop of real threat to human rights, not least by the proposed reform of the Human Rights Act. In this context Protocol Article 2 is an essential safeguard in the protection of human rights and equality for all the people of Northern Ireland.

“It is critical that Protocol Article 2 and its oversight mechanisms are not weakened, in law or in practice. The architecture and institutions of the Withdrawal Agreement and the Ireland/Ni Protocol must remain strong so that the rights and safeguards envisaged really are upheld.

“We will continue to work together to ensure the protection of human rights and equality. We will, as prescribed by statute, be steadfast in holding the UK Government to account for compliance with their commitment.”

Further information about rights after Brexit can be found on the Commissions’ websites, www.equalityni.org/Brexit and www.nihrc.org/brexit

Notes to Editor

Under the Ireland/Ni Protocol to the Withdrawal Agreement reached with the EU, the UK Government committed to ensuring that there would be no diminution of the rights, safeguards, and equality of opportunity provisions, set out in the chapter of the same name in the Belfast (Good Friday) Agreement in Northern Ireland, as a result of Brexit.

Both Commissions are tasked with ensuring that the UK Government meets its commitment and are responsible for monitoring, supervising, enforcing and reporting on the ongoing implementation of the commitment. They can also provide advice and assistance to individuals, including, where appropriate, support to bring legal proceedings, where they believe that this commitment has been breached.

Read the Report: [The Scope of Article 2\(1\) of the Ireland/Northern Ireland Protocol](#)