



5 July 2022

Equality Commission and NI Human Rights Commission launch report on the implementation of Article 2 of the Ireland/NI Protocol

The Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland have launched their [first Annual Report](#) (*pdf*) on their oversight of the UK Government's commitment under Article 2 of the Ireland/NI Protocol.

Both Commissions have a role in advising, monitoring and holding the UK Government to account on the implementation of the no diminution commitment in Article 2 of the Protocol.

Protocol Article 2 is an important and positive commitment by the UK Government to no diminution of certain human rights and equality protections and it reflects the centrality of equality and human rights in the Belfast (Good Friday) Agreement.

The report highlights recommendations made over the first fifteen months from 1 January 2021 to 31 March 2022. Both Commissions have worked to secure the effective implementation of Protocol Article 2 through engagement with officials in the Northern Ireland Office and the Executive Office; through formal advice in responses to consultations and submissions on legislation and policy; and through engagement with the NI Assembly and UK Parliamentary Committees.

An important aspect of the work has been to understand what Protocol Article 2 means in practice and to that end the Commissions have undertaken research, sought legal advice and intervened in a relevant case before our courts.

The Commissions have already identified ways in which new laws risk undermining the rights, safeguards and equality protections in Protocol Article 2.

Protections for victims of trafficking, as set out in the EU Trafficking Directive, have been identified by the Commissions as falling within scope of Protocol Article 2 and the Commissions are concerned that provisions in the Nationality and Borders Act may be in breach of the non-diminution commitment.

Concerns have also been raised about potential non-compliance with Protocol Article 2 in relation to the provisions of the Elections Act that prevent certain EU citizens, who have arrived here after the end of the Brexit transition period, from voting or standing in local elections. The Commissions have called on the UK Government to set out its assessment of how the Act conforms with Protocol Article 2.

The Commissions are seeking a response from the Secretary of State for NI and the NI Executive Office to the recommendations in their report.

Speaking about the report, Alyson Kilpatrick, NIHRC Chief Commissioner and Geraldine McGahey, ECNI Chief Commissioner said:

‘Our first Annual Report on our oversight of Protocol Article 2 is being launched at a time of concern about wider risks to human rights and equality protections in Northern Ireland.

Along with other partners and stakeholders, the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland have worked hard to secure an internationally binding commitment to protect human rights and equality protections in the context of a Brexit debate dominated by trade issues.

Our joint report records a number of concerns, not least around the compliance of legislation with Protocol Article 2. We believe that Protocol Article 2 offers a measure of stability and certainty when much else seems to be thrown into question. Vigilance is required to ensure Protocol Article 2, including its enforcement mechanisms, is protected. We will continue to work together to ensure that all the human rights and equality protections within scope of Protocol Article 2 are upheld.’

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.

The Commissions assumed their roles in January 2021 and this is their first Annual Report.

- [Download our Annual Report on Article 2 in full](#) (pdf, 3.8mb)

Related information

- [Protecting Equality and Human Rights after Brexit](#)