

# Northern Ireland: Amnesty letter to UK and EU negotiators Lord Frost and Maroš Šefčovič



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Amnesty has written to UK and EU legislators to guarantee human rights protections secured under the Ireland/Northern Ireland Protocol

We are writing to ask for guarantees that there will be no undermining of the equality and human rights protections for people in Northern Ireland guaranteed under the Ireland / Northern Ireland Protocol and the Trade and Co-operation Agreement (TCA).

Under Article 2 of the Protocol, the UK Government has committed to ensuring that:

“no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 [Belfast/Good Friday] Agreement entitled Rights, Safeguards and Equality of opportunity results from its withdrawal from the [European] Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.”

In other words, the UK Government is committed to ensuring that there is no lowering of the rights which are set out in the relevant section of the Belfast/Good Friday Agreement and are underpinned by EU obligations, including EU treaties, Directives and Regulations, in place at the end of the transition period. In addition to this non-regression commitment, there is a further obligation, in respect of six Equality Directives specified in Annex 1 to the Protocol, to

“keep pace” with any changes made by the EU to rights to improve the minimum levels of protection available, after 1 January 2021.

In addition, the TCA includes ‘level playing field’ provisions dealing with labour and social rights, and provisions dealing with the role of the European Convention on Human Rights.

Both these arrangements are important in preserving existing human rights and equality provisions in Northern Ireland.

Given the continuing disagreement between the UK and the EU over the Protocol, Amnesty International is concerned that any triggering of Article 16, and any repercussions which may follow such as the suspension of the TCA, may put these equality and human rights protections at risk.

We acknowledge that the UK Government’s July 2021 Command Paper on the Northern Ireland Protocol: the way forward stated that the Protocol’s provisions “that ensure there is no diminution of human rights in Northern Ireland as a result of the UK’s withdrawal from the European Union are not controversial”.

The commitment to the protection of rights and equality was central to the Belfast/Good Friday Agreement, which in turn was essential to enduring peace in Northern Ireland. The Protocol and TCA guarantee these rights for everyone in Northern Ireland.

Both the UK and the EU have an obligation to make clear that these human rights and equality guarantees are not on the negotiating table.

Notwithstanding the continuing tensions over the trade and institutional framework elements of the Protocol, we ask both the UK and the EU to provide assurances that you guarantee to uphold the Article 2 provisions, the dedicated mechanism framework for their implementation and the TCA human rights commitments.

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