



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the Committee for the
Executive Office Inquiry into Gaps in Equality
Legislation**

September 2024

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Summary of Recommendations

The NI Human Rights Commission recommends:

- 2.5** that the Committee consider the consolidation of equality and non-discrimination protections into a single legislative instrument.
- 2.8** that intersectional multiple discrimination should be prohibited expressly in a consolidated legislative instrument.
- 2.11** that the existing equality protections be extended to provide age discrimination protection in the provision of goods, facilities and services to all children under 18 years old.
- 2.13** that the equality framework is amended to better protect those who experience discrimination in relation to their sexual orientation and/or gender identity.
- 2.16** that institutional mechanisms are required to ensure the enforcement of equality law, in particular those relating to gender equality.
- 2.19** that equality laws should be amended to ensure they address inequalities experienced by disabled people in NI.
- 2.23** that the Committee consider the role of strategies, including the racial equality strategy, in supporting the implementation of reforms to equality laws and monitor their effectiveness in so doing.
- 3.15** that the NI Executive ensure that provisions of the EU Pay Transparency Directive that amend and/or replace provisions of the EU Gender Equality (Employment) Directive are reflected in domestic law.
- 3.22** that the Executive Office amend NI law to keep pace with those provisions of the EU Directives on standards for equality bodies adopted which amend or replace the Annex 1 equality

directives, pursuant to Articles 2 and 13 of the Windsor Framework. The implementation of these changes in NI law should align with the transposition deadline for Member States in the directives.

3.26 that the Executive Office amend the definition of discrimination in relevant NI equality law to include “intersectional discrimination” aligned to the relevant provisions of the EU Pay Transparency Directive and the transposition deadline of the Directive, in accordance with the keeping pace obligation relating to Windsor Framework Article 2.

3.31 that the Executive Office analyse the EU Directive on Combating Violence Against Women and consider if, and to what extent, it updates provisions the EU Gender Equality (Employment) Directive.

3.32 that in addition to any changes required by the keeping pace obligation under the Windsor Framework, the Executive Office consider aligning on a voluntary basis with any enhancement to equality and human rights pursuant to the EU Directive on Combating Violence against Women and Domestic Violence.

3.40 that NI law be amended to keep pace with the provisions of the EU Directives on standards for equality bodies which amend or replace the EU Employment Equality (Framework) Directive.

3.41 that the Executive Office ensure that the EU Framework Equality Directive and domestic law, which gives effect to this Directive, is interpreted in line with the decision of the CJEU in the *Szpital Kliniczny* case relating to disability discrimination.

3.48 that the Executive Office provide an annual report that monitors any proposed changes by the EU to the six Annex 1 equality directives, including relevant case law of the CJEU, which would facilitate compliance with these changes.

- 3.49 that the Executive Office strengthen racial equality legislation in NI and ensure that developments on race law reform in NI are in compliance with Windsor Framework Article 2, including the keeping pace obligations relating to the EU Racial Equality Directive.**
- 3.50 that the Executive Office keep pace with those provisions of the newly adopted EU Directives on standards for equality bodies which amend or replace the EU Racial Equality Directive.**
- 4.3 the integration of international human rights duties in the design and delivery of policy measures.**
- 4.7 that NI equality and human rights policy and legislation keep pace with changes to EU law which strengthen protections and align with international human rights standards. This includes aligning on a voluntary basis with rights introduced as a result of EU laws that do not amend or replace the Annex 1 directives.**
- 4.8 that the Committee considers the enhancement and harmonisation of equality and human rights protections on the island of Ireland and to working towards ensuring North-South equivalence of rights on the island of Ireland.**
- 4.12 that regular reviews of new EU laws relating to equality and human rights should be undertaken to identify new measures to be considered for addition to the Annex 1 equality directives with particular consideration given to alignment of standards across the two jurisdictions on the island of Ireland.**
- 4.15 the voluntary alignment of NI law with the EU Gender Balance Directive where this strengthens protections and aligns with international human rights standards.**
- 4.20 the voluntary alignment of NI law with those provisions of the EU Work-Life Balance Directive that enhance equality and human rights protections and align with international human rights standards.**

4.23 that NI law aligns, on a voluntary basis, with the EU Accessibility Act where this enhances protections for people with disabilities and older people and aligns with international human rights standards.

1.0 Introduction

1.1 The Northern Ireland Human Rights Commission (the NIHRC), pursuant to section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). The NIHRC is also required, by section 78A(1) of the Northern Ireland Act 1998, to monitor the implementation of Article 2 of the Windsor Framework, to ensure there is no diminution of rights protected in the “Rights, Safeguards and Equality of Opportunity” chapter of the Belfast (Good Friday) Agreement 1998 as a result of the UK’s withdrawal from the EU.¹ In accordance with these statutory duties the following advice is submitted to the Executive Office Committee to inform its legislative and policy development on equality in NI.

1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, and the United Nations (UN) system and treaty obligations of the Council of Europe (CoE) and United Nations (UN). The relevant regional and international treaties in this context include:

- European Convention on Human Rights 1950 (ECHR);²
- UN Convention on the Elimination of Racial Discrimination 1965 (UN CERD);³
- UN International Covenant on Civil and Political Rights 1966 (UN ICCPR);⁴
- UN Convention on Elimination of Discrimination against Women 1981 (UN CEDAW);⁵
- UN Convention on the Rights of the Child 1989 (UN CRC);⁶
- UN Convention on the Rights of Persons with Disabilities 2006 (UN CRPD).⁷

¹ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. See Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework.

² Ratified by the UK 1951.

³ Ratified by the UK 1969.

⁴ Ratified by the UK 1976.

⁵ Ratified by the UK 1986.

⁶ Ratified by the UK 1989.

⁷ Ratified by the UK 2009.

1.3 In addition to these treaty standards, the following declarations and principles provide further guidance in respect of specific areas:

- UN 'Beijing Declaration and Platform of Action'⁸
- UN 'Durban Declaration and Programme of Action'⁹

1.4 The NIHRC advises on the UK Government's commitment, in Windsor Framework Article 2(1), to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. This is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. In addition, section 6 of the Northern Ireland Act 1998 provides that the NI Assembly is prohibited from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also provides that all acts of the Departments should be compatible with Windsor Framework Article 2. The relevant EU law in this context is:

- EU Racial Equality Directive;¹⁰
- EU Employment Equality (Framework) Directive;¹¹
- EU Gender Goods and Services Directive;¹²
- EU Gender Equality (Employment) Directive;¹³
- EU Gender Equality (Self-Employment) Directive;¹⁴
- EU Gender Equality in Social Security Directive;¹⁵
- EU Directive on Combating Violence against Women and Domestic Violence;¹⁶

⁸ United Nations, 'Beijing Declaration and Platform of Action, Adopted at the Fourth World Conference on Women', 27 October 1995.

⁹ Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, A/CONF.189/12. Chapter 1, Programme of Action.

¹⁰ Directive 2000/43/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000.

¹¹ Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

¹² Directive 2004/113/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and services', 13 December 2004.

¹³ Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006.

¹⁴ Directive 2010/41/EU, 'EU Parliament and Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010.

¹⁵ Directive 79/7/EEC, 'Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978.

¹⁶ Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 14 May 2024.

- EU Pay Transparency Directive;¹⁷
- EU Parental Leave Directive;¹⁸
- EU Pregnant Worker’s Directive;¹⁹ and
- two EU Directives on Binding Standards for Equality Bodies.²⁰

1.5 This response addresses the questions posed in the survey and focuses on relevant recommendations from international human rights monitoring bodies. We also cover recommendation obligations stemming from Windsor Framework Article 2 and our relevant recommendations. Lastly, we outline our analysis of the divergence of rights on the island of Ireland following UK withdrawal from the EU.

2.0 Human Rights Framework: Relevant recommendations

2.1 In NI, the prohibition of discrimination is contained in a number of instruments, resulting in a complex and inaccessible framework. Unlike Great Britain, there is no single legislative instrument to consolidate, clarify and enhance equality protections in NI.

2.2 International and regional human rights bodies have repeatedly called for amendment of equality laws in NI, in particular, by the introduction of a consolidated equality law instrument. In 2016, the UN ICESCR Committee stated its regret that no action had been taken on its earlier recommendation to extend “comprehensive anti-discrimination legislation” to NI.²¹

¹⁷ Directive 2023/970/EU, ‘EU Parliament and Council Directive to strengthen the application of the principle of equal pay for equal work or work of equal value, between men and women through pay transparency and enforcement mechanisms’, 10 May 2023.

¹⁸ Directive 2010/18/EU, ‘Council Directive implementing the revised Framework Agreement on parental leave’, 8 March 2010.

¹⁹ Directive 92/85/EEC, ‘Council Directive on the Introduction of Measures to Encourage Improvements in the Safety and Health at Work of Pregnant Workers and Workers who have Recently Given Birth or are Breastfeeding’, 19 October 1992.

²⁰ Directive 2024/1499/EU, ‘Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC’, 7 May 2024; Directive (EU) 2024/1500, ‘European Parliament and of the Council of on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU’, 14 May 2024.

²¹ E/C.12/GBR/CO/6, ‘UN ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI’, 14 July 2016, at para 22.

- 2.3 In 2022, the CoE Advisory Committee on the Framework Convention for Protection of National Minorities called on the UK Government and NI Executive to “effectively guarantee to persons belonging to national minorities the right to equality before the law by adopting comprehensive equality legislation for NI”.²²
- 2.4 The UN CRC Committee urged action to ensure “a similar level of protection to rights holders with regard to all grounds of discrimination for all individuals in all jurisdictions of the State party, including NI”.²³ The CoE European Commission against Racism and Intolerance also recommended, as a priority for implementation, that the NI Executive “consolidate equality legislation into a single, comprehensive equality act, taking inspiration from the Equality Act 2010, and taking account of the recommendations of the Equality Commission NI”.²⁴
- 2.5 **The NIHRC recommends that the Committee consider the consolidation of equality and non-discrimination protections into a single legislative instrument.**

Intersectional Discrimination

- 2.6 The current equality law framework does not provide for cases of intersectional multiple discrimination. At present in NI, each ground for discrimination must form its own case, meaning it must be considered and ruled on separately. The Equality Act 2010 which applies in England, Scotland and Wales, contains a dual discrimination provision, which has not been brought into force.²⁵
- 2.7 In 2017, the UN CRPD Committee recommended that the UK Government and NI Executive:

explicitly incorporate in its national legislation protection from, in particular multiple and intersectional discrimination on the basis of gender, age, race, disability, migrant, refugee and/or

²² ACFC/OP/V(2022)003, ‘CoE Advisory Committee on the Framework Convention for the Protection of National Minorities Fifth Opinion on the UK’, 8 December 2022, at para 65.

²³ E/C.12/GBR/CO/6, ‘UN ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI’, 14 July 2016, at para 23.

²⁴ CRI(2016)38, ‘European Commission on Racial Intolerance Report on the UK (Fifth Monitoring Cycle)’ (ECRI, 2016), at para 22.

²⁵ See obligations on intersectionality arising under Windsor Framework Article 2, at paragraphs 3.23-3.26 below.

other status, and provide appropriate compensation, and redress for victims, and sanctions proportional with the severity of the violation.²⁶

2.8 The NIHRC recommends that intersectional multiple discrimination should be prohibited expressly in a consolidated legislative instrument.

Age discrimination

2.9 The UN CRC Committee has raised specific concerns relating to protections for children from discrimination. In 2023, the UN CRC Committee found that there was “insufficient progress in ensuring protection of all children under 18 years of age against discrimination on the grounds of their age”.¹ The UN CRC Committee recommended that the UK Government and the NI Executive “take legislative and other measures to ensure the protection of all children below 18 years of age from discrimination on the grounds of their age, particularly in... NI”.²

2.10 In 2015, the Office of the First Minister and Deputy First Minister (now the Executive Office) proposed an extension of age discrimination legislation to cover the provision of goods, facilities and services.²⁷ The NIHRC welcomed that proposal but, along with the NI Commissioner for Children and Young People and a number of children’s organisations, highlighted the need to include discrimination against children under 16 years.²⁸

2.11 The NIHRC recommends that the existing equality protections be extended to provide age discrimination protection in the provision of goods, facilities and services to all children under 18 years old.

²⁶ CRPD/C/GBR/CO/1, 'UN CRPD Committee Concluding Observations on the Initial Report of the United Kingdom of Great Britain and NI', 3 October 2017, at para 19.

²⁷ Office of the First Minister and Deputy First Minister, 'Proposals to Extend Age Discrimination Legislation (Age Goods, Facilities and Services) Consultation Document' (OFMDFM, 2015).

²⁸ NI Commissioner for Children and Young People, 'Don't Exclude Us! Strengthening Protection for Children and Young people when Accessing Goods, Facilities and Services' (NICCY, 2013); Children's Law Centre and Save the Children NI, 'NI NGO Alternative Report Submission to the UN CRC Committee for Consideration During the Committee's Examination of the UK of Great Britain and NI Government Report' (CLC and StC NI, 2015), at 14; NI Human Rights Commission, 'Response to Consultation on Proposals to Extend Age Discrimination Legislation (Age, Goods, Facilities and Services)' (NIHRC, 2015).

Sexual Orientation

2.12 In June 2023, the UN CRC Committee noted that it remained concerned about “persistent discrimination... against children in disadvantaged situations including... lesbian, gay, bisexual and transgender children”.²⁹ The UN CRC Committee issued a revised recommendation that the UK Government and NI Executive should “ensure that children who experience discrimination, bullying and harassment in relation to their sexual orientation or gender identity receive protection and support, including through targeted anti-bullying measures”.³⁰

2.13 The NIHRC recommends that the equality framework is amended to better protect those who experience discrimination in relation to their sexual orientation and/or gender identity.

Gender Equality

2.14 In 2019, the UN CEDAW Committee recommended that the NI Executive “revise its legislation in NI to ensure that it affords protection to women on an equal footing with women in other administrations of the State party”.³¹

2.15 The Committee further highlighted the need to ensure that national machinery for the advancement of women was robust. The NIHRC recalls that the 1995 Beijing Platform for Action³² highlighted the importance of robust laws and policies being coupled with strong institutions to coordinate actors and ensure their effective enforcement and implementation.³³

2.16 The NIHRC recommends that institutional mechanisms are required to ensure the enforcement of equality law, in particular those relating to gender equality.

²⁹ CRC/C/GBR/CO/6-7, 'UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Reports of the UK of Great Britain and NI', 2 June 2023, at para 19.

³⁰ CRC/C/GBR/CO/6-7, 'UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Reports of the UK of Great Britain and NI', 2 June 2023, at para 20(e).

³¹ CEDAW/C/GBR/CO/8, 'UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland', 14 March 2019, at para 15(a) and (c).

³² United Nations, 'Beijing Declaration and Platform of Action, Adopted at the Fourth World Conference on Women', 27 October 1995

³³ See also obligations arising in relation to gender equality under Windsor Framework Article 2, at paragraphs 3.27-3.32 below.

Persons with disabilities

- 2.17 In 2017, the UN CRPD Committee recommended that the UK Government and NI Executive “ensure that the Northern Ireland Executive reform on disability rights law reflects the recommendations made by the Equality Commission for NI in its 2012 Strengthening Protection for Disabled People report to protect persons with disabilities in Northern Ireland from direct and indirect disability-based discrimination and discrimination through association”.³⁴ The UN CRPD Committee also recommended that the UK Government and NI Executive “recognise the right to living independently and being included in the community as a subjective right, recognise the enforceability of all its elements, and adopt rights-based policies, regulations and guidelines to ensure implementation”.³⁵
- 2.18 In August 2023, the UN CRPD Committee held a follow-up session to its 2016 inquiry into the impact of social security reform on persons with disabilities.³⁶ The Committee raised a concern that the UK had,

failed to take all appropriate measures to address grave and systematic violations of the human rights of persons with disabilities and has failed to eliminate the root causes of inequality and discrimination as framed in General Comment No. 6 on equality and non-discrimination. This failure exists particularly with respect to the State party’s obligation to guarantee the right of persons with disabilities to live independently and be included in the community (art. 19), to work and employment (art. 27), and to an adequate standard of living and social protection (art. 28) in the United Kingdom of Great Britain and Northern Ireland.³⁷

³⁴ CRPD/C/GBR/CO/1, ‘UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI’, 3 October 2017, para 17(b)

³⁵ CRPD/C/GBR/CO/1, ‘UN CRPD Committee Concluding Observations on the Initial Report of the UK of Great Britain and NI’, 3 October 2017.

³⁶ CRPD/C/15/4, ‘UN CRPD Committee Inquiry Concerning the UK of Great Britain and NI Carried Out By the UN CRPD Committee Under Article 6 of the Optional Protocol to the UN CRPD: Report of the UN CRPD Committee’, 24 October 2017.

³⁷ CRPD/C/15/4, ‘UN CRPD Committee Inquiry Concerning the UK of Great Britain and NI Carried Out By the UN CRPD Committee Under Article 6 of the Optional Protocol to the UN CRPD: Report of the UN CRPD Committee’, 24 October 2017, at para 89.

2.19 The NIHRC recommends that equality laws should be amended to ensure they address inequalities experienced by disabled people in NI.

Race Equality

2.20 Article 2 of the UN Convention on the Elimination of All Forms of Racial Discrimination (UN CERD) requires states to “take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists”. In addition, Article 2(2) obliges States to:

take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.³⁸

2.21 In October 2016, the UN CERD Committee recommended that the UK Government and NI Executive “act without further delay to adopt comprehensive legislation prohibiting racial discrimination, in accordance with the provisions of the [UN CERD]”.³⁹

2.22 The Office of the High Commissioner for Human Rights has highlighted that a national action plan against racism is a key tool to support the realisation of racial equality.⁴⁰ The NIHRC notes that the racial equality strategy is in operation until 2025.

2.23 The NIHRC recommends that the Committee consider the role of strategies, including the racial equality strategy, in supporting the implementation of reforms to equality laws and monitor their effectiveness in so doing.

³⁸ UN Convention on the Elimination of All Forms of Racial Discrimination 1965.

³⁹ CERD/C/GBR/CO/21-23, ‘UN CERD Committee Concluding Observations on the Combined Twenty-first to Twenty-third Periodic Reports of the UK of Great Britain and NI’, 3 October 2016, at para 8(c).

⁴⁰ Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, A/CONF.189/12. Chapter 1, Programme of Action.

3.0. Windsor Framework Article 2

- 3.1 Windsor Framework Article 2 requires the UK Government to ensure that no diminution of rights, safeguards and equality of opportunities contained in the relevant part of the Belfast (Good Friday) Agreement 1998 occurs as a result of the UK's withdrawal from the EU. This includes an obligation to "keep pace" with any changes made to the six Annex 1 equality directives⁴¹ which improve the minimum levels of protection available, after 1 January 2021.⁴² For other EU obligations which underpin the rights, safeguards and equality of opportunity in Windsor Framework Article 2, the UK Government commitment to ensure 'no diminution' is measured by the relevant EU standards as they were on the 31 December 2020.⁴³
- 3.2 The rights, safeguards and equality of opportunity chapter of the Belfast (Good Friday) Agreement was not an exhaustive statement of rights protections. Rather, the parties affirmed their "commitment to ... the civil rights and religious liberties of everyone in the community" before affirming "in particular" a non-exhaustive list of rights and safeguards.⁴⁴
- 3.3 The NI High Court has considered Windsor Framework Article 2 in a number of cases. The court adopted a purposive approach to interpretation of the relevant chapter of the Belfast (Good Friday) Agreement.⁴⁵ In a recent judgment, the NI High Court confirmed that "reading the BGFA as a whole, it is apparent its provisions and protections were broad in scope".⁴⁶ The High Court held that, "a narrow interpretation of 'civil rights' undermines the forward-facing dimension

⁴¹ These are the Racial Equality Directive (Directive 2000/43/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000); the Employment Equality (Framework) Directive (Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000); the Gender Goods and Services Directive (Directive 2004/113/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and services', 13 December 2004); Gender Equality (Employment) Directive (Directive 2006/54/EC, 'Directive of European Parliament and of the Council on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006); the Self-Employment Equality Directive (Directive 2010/41/EU, 'Directive of the European Parliament and of the Council on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010); and the Equality in Social Security Directive (Directive 79/7/EEC, 'Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978).

⁴² Article 13, Windsor Framework to the UK-EU Withdrawal Agreement.

⁴³ UK Government, 'UK Government Commitment to No-diminution of Rights, Safeguards and Equality of Opportunity in Northern Ireland' (NIO, 2020), at para 13.

⁴⁴ Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity. See also UK Government, 'UK Government commitment to no-diminution of rights, safeguards and equality of opportunity in Northern Ireland', (NIO, 2020); *In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NIKB 11, at para 540.

⁴⁵ *In the Matter of an Application by Martina Dillon and Others for Judicial Review* [2024] NIKB 11, at para 547.

⁴⁶ *In the Matter of an Application by the NI Human Rights Commission for Judicial Review* [2024] NIKB 35, at para 70.

of the non-diminution commitment in article 2(1)".⁴⁷ It is the NIHRC's considered opinion that the chapter represents a broad (i.e. wide-ranging) commitment to civil, political, economic, social and cultural rights and equality of opportunity.⁴⁸

- 3.4 Further, the NI High Court has separately reiterated that Windsor Framework Article 2 has direct effect, which can be relied on in the domestic courts.⁴⁹ The High Court further confirmed that the EU Charter on Fundamental Rights falls within the ambit of Article 2(1) of the Windsor Framework and remains enforceable in NI.⁵⁰ Further, in a recent judgment, the NI High Court confirmed that "the EU Charter of Fundamental Rights continues to have effect in UK law in circumstances where 'Union law' continues to be implemented".⁵¹ The High Court also rejected the argument that the rights and safeguards in the relevant part of the Belfast (Good Friday) Agreement 1998 are frozen in time and limited to the political context of 1998.⁵²
- 3.5 Based on the above, this submission outlines the minimum EU standards enshrined in EU law in the area of equality and non-discrimination, which continue to be relevant in NI. These standards must guide the review of equality legislation and policy in NI, in line with the UK Government's commitments to non-diminution and keeping pace obligations.

Keeping Pace: Annex 1 EU Equality Directives

- 3.6 Windsor Framework Article 2 provides specific protection against discrimination as enshrined in the six EU equality directives listed in Annex 1 of the Windsor Framework (Annex 1 equality directives).⁵³ The

⁴⁷ *In the Matter of an Application by Martina Dillon and Others for Judicial Review* [2024] NIKB 11, at para 554.

⁴⁸ NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/ Northern Ireland Protocol', (NIHRC and ECNI, 2022).

⁴⁹ *In the Matter of an Application by Aman Angsom for Judicial Review* [2023] NIKB 102, at para 91.

⁵⁰ *In the Matter of an Application by Aman Angsom for Judicial Review* [2023] NIKB 102, at para 93.

⁵¹ *In the Matter of an Application by the NI Human Rights Commission for Judicial Review* [2024] NIKB 35, at para 65.

⁵² *In the Matter of an Application by Aman Angsom for Judicial Review* [2023] NIKB 102, at para 107.

⁵³ These are the Racial Equality Directive (Directive 2000/43/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000); the Employment Equality (Framework) Directive (Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000); the Gender Goods and Services Directive (Directive 2004/113/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and services', 13 December 2004); the Gender Equality (Employment) Directive (Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006); the Self-Employment Equality Directive (Directive 2010/41/EU, 'EU Parliament and Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010); and the Equality in Social Security Directive (Directive 79/7/EEC, 'Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978).

UK Government has declared that these directives have “been specifically referenced because of the important framework they provide for the anti-discrimination commitments set out in the relevant chapter of the Belfast (Good Friday) Agreement”.⁵⁴

3.7 These EU Directives are the following:

- EU Racial Equality Directive;⁵⁵
- EU Employment Equality (Framework) Directive;⁵⁶
- EU Gender Equality Goods and Services Directive;⁵⁷
- EU Gender Equality (Employment) Directive;⁵⁸
- EU Gender Equality (Self-Employment) Directive;⁵⁹ and
- Gender Equality in Social Security Directive.⁶⁰

3.8 NI Equality law must keep pace with any changes made by the EU to improve the minimum levels of protection, on or after 1 January 2021 in relation to the Annex 1 directives. Further, this keeping pace obligation includes monitoring and complying with relevant current and future CJEU case law across these different areas and different equality and non-discrimination grounds.⁶¹

3.9 The NIHRC, along with the Equality Commission for NI, has identified a number of measures which they consider amend and/or replace the EU equality directives in Annex 1. These include the EU Pay Transparency Directive⁶² and two EU directives on binding standards for equality bodies.⁶³ The Commission is currently reviewing the EU Directive on

⁵⁴ NI Office, ‘UK Government Commitment to “No Diminution of Rights, Safeguards and Equality of Opportunity” in Northern Ireland: What does it Mean and How will it be Implemented?’ (NIO, 2020), at 3.

⁵⁵ Directive 2000/43/EC, ‘Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000.

⁵⁶ Directive 2000/78/EC, ‘Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation’, 27 November 2000.

⁵⁷ Directive 2004/113/EC, ‘Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and services’, 13 December 2004.

⁵⁸ Directive 2006/54/EC, ‘EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)’, 5 July 2006.

⁵⁹ Directive 2010/41/EU, ‘EU Parliament and Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity’, 7 July 2010.

⁶⁰ Directive 79/7/EEC, ‘Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security’, 19 December 1978.

⁶¹ Article 13(3), Windsor Framework.

⁶² Directive 2023/970/EU, ‘EU Parliament and Council Directive to strengthen the application of the principle of equal pay for equal work or work of equal value, between men and women through pay transparency and enforcement mechanisms’, 10 May 2023.

⁶³ Directive 2024/1499/EU, ‘Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending

Combating Violence against Women and Domestic Violence,⁶⁴ to understand if, or to what extent, it amends and/or replaces provisions of the EU Gender Equality (Employment) Directive.⁶⁵

EU Pay Transparency Directive

- 3.10 Even though the earning gap between men and women in NI has reduced over the past 20 years, in 2023 women's median hourly earnings in NI were 7.8% less in comparison to men.⁶⁶ Moreover, the gender pay gap in NI is affected by the 'part-time effect', as part-time employees earn less on average than full-time employees and a higher proportion of part-time employees are women.⁶⁷ Unlike in Great Britain and Ireland, there is currently no legislation in NI requiring gender pay reporting by certain employers.⁶⁸
- 3.11 The obligation to keep pace with the Annex 1 equality directives pursuant to Articles 2 and 13 of the Windsor Framework, includes the EU Gender Equality (Employment) Directive which protects against discrimination in employment on the grounds of gender.⁶⁹ As mentioned above, NI equality law must align with any improvements made by the EU to these rights, on or after 1 January 2021, including complying with relevant current and future CJEU case law.⁷⁰
- 3.12 The EU Pay Transparency Directive came into force on 6 June 2023 and must be transposed by Member States by 7 June 2026.⁷¹ The Directive aims to strengthen the existing enforcement tools and procedures

Directives 2000/43/EC and 2004/113/EC', 7 May 2024; Directive (EU) 2024/1500, 'European Parliament and of the Council of on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU', 14 May 2024.

⁶⁴ Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 14 May 2024.

⁶⁵ Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006.

⁶⁶ NI Statistics and Research Agency, 'Annual Survey of Hours and Earnings - Employee earnings in Northern Ireland 2023' (NISRA, 2023).

⁶⁷ NI Statistics and Research Agency, 'Annual Survey of Hours and Earnings - Employee earnings in Northern Ireland 2023' (NISRA, 2023).

⁶⁸ In considering whether the specific provisions of the EU Pay Transparency amend or replace the EU Gender Equality (Employment) Directive, the NIHRC alongside the Equality Commission for NI considered the legal basis for this new measure; the purpose of the new measure; the degree of overlap on the substance of the rights and safeguards between the new measure and the Annex 1 equality directive, any relevant CJEU case law; and the extent to which the new measure facilitates the implementation and/or enforcement of the Annex 1 equality directive.

⁶⁹ Directive 2006/54/EC, 'EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation', 5 July 2006.

⁷⁰ Article 13, Windsor Framework.

⁷¹ Directive 2023/970/EU, 'EU Parliament and Council Directive to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms', 10 May 2023.

regarding the rights and obligations and equal pay provisions set out in the EU Gender Equality (Employment) Directive (2006/54/EC).⁷²

3.13 To date the UK Government has not expressed a view on extent to which the EU Pay Transparency Directive affects dynamic obligations under Windsor Framework Article 2 and there has been no clear indication from the Department of Economy that it is committed to ensuring that relevant protections in NI's equality legislation relating to equal pay will be amended to keep pace.

3.14 The NIHRC and the Equality Commission for NI published a joint briefing paper providing detailed analysis of the EU Pay Transparency Directive, concluding that the provisions of the EU Pay Transparency Directive⁷³ amend and/or replace provisions in the EU Gender Equality (Employment) Directive⁷⁴ which is listed in Annex 1 of the Windsor Framework.⁷⁵ Therefore, NI equality law must keep pace with these changes, further to the UK Government's dynamic alignment obligation in the Windsor Framework.⁷⁶

3.15 The NIHRC recommends that the NI Executive ensure that provisions of the EU Pay Transparency Directive that amend and/or replace provisions of the EU Gender Equality (Employment) Directive are reflected in domestic law.

Binding Standards for Equality Bodies

3.16 In May 2024, the EU Commission adopted two Directives on standards for equality bodies.⁷⁷

⁷² Directive 2006/54/EC 'EU Parliament and Council Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)', 5 July 2006.

⁷³ Apart from a small number of provisions of the EU Pay Transparency Directive that are no longer relevant now that the UK has left the EU.

⁷⁴ Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006.

⁷⁵ Equality Commission for NI and NI Human Rights Commission, 'Briefing Paper: The EU Pay Transparency Directive: The UK Government's dynamic alignment obligations relating to Windsor Framework Article 2' (ECNI and NIHRC, 2024).

⁷⁶ Article 13(3), Windsor Framework.

⁷⁷ Directive 2024/1499/EU, 'Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC', 7 May 2024; Directive (EU) 2024/1500, 'European Parliament and of the Council of on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU', 14 May 2024.

- 3.17 The aim of the Directives is to create a strengthened framework for EU equality bodies to promote equal treatment and equal opportunities and combat discrimination on all grounds and in the fields set out by the EU equality directives. Together, they strengthen the role and independence of equality bodies to engage in the prevention of discrimination and promote equal treatment.
- 3.18 Four Annex 1 equality directives reference the minimum competencies of equality bodies in their respective field: the EU Racial Equality Directive;⁷⁸ the EU Gender Equality Directive in the field of goods and services;⁷⁹ and the EU Gender Equality Directives in the field of employment⁸⁰ and self-employment.⁸¹ In addition, the EU Directives on Binding Standards for Equality Bodies also make provision for the role of equality bodies in respect of the EU Employment Equality (Framework) Directive⁸² and the EU Gender Equality in Social Security Directive.⁸³ The EU Employment Equality (Framework) Directive, protects against discrimination in employment on grounds of age, sexual orientation, gender and disability.⁸⁴
- 3.19 Windsor Framework Articles 2 and 13 require NI equality law to keep pace with any changes to these equality directives following the adoption of the EU Directives on Binding standards. The standards outlined in the EU directives are minimum standards and the NI Executive could introduce legislation that goes beyond these standards, aligned to international human rights standards. These two Directives have to be transposed by June 2026.⁸⁵

⁷⁸ Directive 2000/43/EC, 'Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin', 29 June 2000.

⁷⁹ Directive 2004/113/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and services', 13 December 2004.

⁸⁰ Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006.

⁸¹ Directive 2010/41/EU, 'EU Parliament and Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010.

⁸² Directive 2000/78/EC, 'Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

⁸³ Directive 79/7/EEC, 'Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978.

⁸⁴ Directive 2000/78/EC, 'Council of the EU Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000. See also Letter from the Minister of State for NI, Steve Baker MP, to the Chair of the House of Lords Sub Committee on the Protocol on Ireland/Northern Ireland, 18 September 2022.

⁸⁵ Directive 2024/1499/EU, 'Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending

- 3.20 The UK Government has recognised that these adopted EU Directives fall within the scope of Windsor Framework Article 2.⁸⁶ The NIHRC has acknowledged that the development and adoption of EU legislation on binding standards for equality bodies is a significant and important step to ensure that EU equality legislation is better applied, reducing opportunities for any divergence of rights across jurisdictions where such legislation sets minimum standards, including NI.⁸⁷
- 3.21 The NIHRC has reached the view that these EU Directives on binding standards for equality bodies amend and /or replace provisions of the six Annex 1 equality directives. They have an impact on a range of equality grounds namely age, sexual orientation, gender and disability.
- 3.22 The NIHRC recommends that the Executive Office amend NI law to keep pace with those provisions of the EU Directives on standards for equality bodies adopted which amend or replace the Annex 1 equality directives, pursuant to Articles 2 and 13 of the Windsor Framework. The implementation of these changes in NI law should align with the transposition deadline for Member States in the directives.**

Intersectional Discrimination

- 3.23 Further, as NI legislation does not address cases of intersectional multiple discrimination, recent developments in EU law that emphasise the importance of intersectional discrimination have significant implications for NI equality law.
- 3.24 In Article 3, the EU Pay Transparency Directive includes “intersectional” discrimination in its definition which is based on a combination of sex and a number of other equality grounds protected under EU equality directives. The EU Pay Transparency Directive recognises that individuals can experience discrimination and inequality based on the

Directives 2000/43/EC and 2004/113/EC’, 7 May 2024; Directive (EU) 2024/1500, ‘European Parliament and of the Council of on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU’, 14 May 2024.

⁸⁶ Letter from the Minister of State for NI, Steve Baker MP, to the House of Lords Sub Committee on the Protocol on Ireland/Northern Ireland, 18 September 2022.

⁸⁷ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, ‘Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland’ (ECNI, NIHRC and IHREC, 2023).

intersection of multiple identities, such as race, gender, disabilities, age, and other grounds. Further, it strengthens the application of the principle of equal pay for equal work, between men and women through pay transparency and enforcement mechanisms.⁸⁸

3.25 As noted above, the NIHRC takes the view that the provisions of the EU Pay Transparency Directive,⁸⁹ amend and/or replace provisions in the EU Gender Equality (Employment) Directive⁹⁰ which is listed in Annex 1 of the Windsor Framework.⁹¹ Therefore, NI equality law must keep pace with these changes, further to the UK Government's dynamic alignment obligation in the Windsor Framework.⁹² This includes changes to the definition of discrimination to include "intersectional" discrimination.

3.26 The NIHRC recommends that the Executive Office amend the definition of discrimination in relevant NI equality law to include "intersectional discrimination" aligned to the relevant provisions of the EU Pay Transparency Directive and the transposition deadline of the Directive, in accordance with the keeping pace obligation relating to Windsor Framework Article 2.

Gender Equality

3.27 The rights, safeguards and equality of opportunity provisions set out in the relevant chapter of the Belfast (Good Friday) Agreement include the "right to equal opportunity in all social and economic activity, regardless of ... gender". To the extent that EU obligations underpin this right, such as the EU Parental Leave Directive⁹³ and the EU Pregnant Worker's Directive,⁹⁴ there should be no diminution of rights, safeguards and equality of opportunity following the UK withdrawal from the EU. This is in addition to the keep pace obligation outlined above, in relation to the Annex 1 Equality Directives.

⁸⁸ Directive 2023/970/EU, 'EU Parliament and Council Directive to strengthen the application of the principle of equal pay for equal work or work of equal value, between men and women through pay transparency and enforcement mechanisms', 10 May 2023.

⁸⁹ Apart from a small number of provisions of the EU Pay Transparency Directive that are no longer relevant now that the UK has left the EU.

⁹⁰ Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006.

⁹¹ Equality Commission for NI and NI Human Rights Commission, 'Briefing Paper: The EU Pay Transparency Directive: The UK Governments dynamic alignment obligations relating to Windsor Framework Article 2' (ECNI and NIHRC, 2024)

⁹² Article 13(3), Windsor Framework.

⁹³ Directive 2010/18/EU, 'Council Directive implementing the revised Framework Agreement on parental leave', 8 March 2010.

⁹⁴ Directive 92/85/EEC, 'Council Directive on the Introduction of Measures to Encourage Improvements in the Safety and Health at Work of Pregnant Workers and Workers who have Recently Given Birth or are Breastfeeding', 19 October 1992.

- 3.28 In addition to the EU Pay Transparency Directive and EU Directives on binding standards for equality bodies discussed above, in May 2024, the EU Directive on Combating Violence against Women and Domestic Violence was adopted.⁹⁵ The Directive constitutes the first piece of EU legislation which specifically addresses these issues. The Directive adopts a holistic approach to combat violence against women and domestic violence, incorporating measures relating to prevention, protection, support for victims, access to justice and prosecution of perpetrators.⁹⁶
- 3.29 The EU Directive on Combating Violence against Women and Domestic Violence makes particular provision for specialist provision for victims of sexual harassment at work⁹⁷ and for managers and supervisors to receive training on how to recognise, prevent and address sexual harassment at work.⁹⁸
- 3.30 The Gender Equality Directives⁹⁹ fall within Annex 1 of the Windsor Framework. NIHRC is currently examining the extent to which the EU Directive on Combating Violence against Women and Domestic Violence amends and/or replaces provisions of the EU Gender Equality (Employment) Directive.¹⁰⁰
- 3.31 **The NIHRC recommends that the Executive Office analyse the EU Directive on Combating Violence Against Women and consider if, and to what extent, it updates provisions the EU Gender Equality (Employment) Directive.**

⁹⁵ Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 14 May 2024.

⁹⁶ Amnesty International EU, 'Press Release: EU: Joint civil society reaction to the adoption of the EU Directive on combating violence against women and domestic violence', 7 May 2024.

⁹⁷ Article 28 and Recital 65, Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 14 May 2024.

⁹⁸ Article 36, Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 14 May 2024.

⁹⁹ Directive 2004/113/EC, 'Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and Services', 13 December 2004; Directive 2006/54/EC, 'Directive of European Parliament and of the Council on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006; Directive 2010/41/EU, 'Directive of the European Parliament and of the Council on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010.

¹⁰⁰ Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006.

3.32 The NIHRC recommends that, in addition to any changes required by the keeping pace obligation under the Windsor Framework, the Executive Office consider aligning on a voluntary basis with any enhancement to equality and human rights pursuant to the EU Directive on Combating Violence against Women and Domestic Violence.

Disability Equality

3.33 Further to the minimum standards of equality protection enshrined in six EU directives listed in Annex 1 to the Windsor Framework, the UK Government has also recognised a non-exhaustive list of other measures which fall within the scope of the commitment in Windsor Framework Article 2,¹⁰¹ including specific measures which protect the rights of disabled people.¹⁰²

3.34 The definition of EU law in the UK-EU Withdrawal Agreement encompasses those international agreements to which the EU is party, including the UN CRPD. As the EU acceded to the UN CRPD prior to UK withdrawal,¹⁰³ the overriding obligation to promote, protect and implement the UN CRPD through EU law and policy is relevant to the interpretation of UK-EU Withdrawal Agreement 2020, including Windsor Framework Article 2, and to all EU measures referenced in that Agreement.¹⁰⁴

3.35 The NI High Court has recognised that the UN CRPD is an integral part of the EU legal order and is relevant to Windsor Framework Article 2.¹⁰⁵ In May 2023, the Court of Appeal in NI confirmed that since UN CRPD was a part of the EU legal order prior to UK withdrawal, the NI Assembly was prohibited from legislating contrary to the UN CRPD as EU law where matters fell within the competence of the EU.¹⁰⁶

¹⁰¹ NI Office, 'UK Government Commitment to "No Diminution of Rights, Safeguards and Equality of Opportunity" in Northern Ireland: What does it Mean and How will it be Implemented?' (NIO, 2020), at para 13.

¹⁰² For example, Directive 2016/2102/EU 'EU Parliament and Council Directive on the accessibility of the websites and mobile applications of public sector bodies', 26 October 2016; and Regulation (EC) 1107/2006, 'EU Parliament and Council Regulation concerning the rights of disabled persons and persons with reduced mobility when travelling by air', 5 July 2006. (See table of EU law in Appendix to NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/ Northern Ireland Protocol' (NIHRC and ECNI, 2022)).

¹⁰³ Council Decision 2010/48/EC concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, 26 November 2009.

¹⁰⁴ Article 4, UK-EU Withdrawal Agreement.

¹⁰⁵ *Re SPUC Pro-Life Limited* [2022] NIQB 9, at paras 105-106.

¹⁰⁶ *Society for the Protection of the Unborn Child Pro-Life Ltd v Secretary of State for NI* [2023] NICA 35, at paras 57 and 68.

- 3.36 In 2023, policy developments encouraged EU Member States to ensure full integration and compliance with the UN CRPD, as well as EU legislative proposals to protect the rights of people with disabilities, extending the protections afforded by the EU Employment Equality (Framework) Directive.¹⁰⁷ Therefore incorporating UN CRPD rights into NI law would limit any potential for future divergence between NI and Ireland in the area of disability discrimination.
- 3.37 The NIHRC, together with the Equality Commission for NI, has identified measures which fall within the scope of Windsor Framework Article 2,¹⁰⁸ which are to be subject the 'Stormont brake' mechanism. These include measures that are relevant for disabled people in terms of accessibility standards. For example, Article 24 of the EU Directive on Machinery (Directive 2006/42/EC),¹⁰⁹ amends the law on the manufacture of lifts in relation to access for, and use by, disabled people, which is included in Windsor Framework Annex 2. The 'Stormont brake' mechanism may therefore have potential implications for equality and human rights, including those relating to disabled people in NI.¹¹⁰

CJEU developments on Disability

- 3.38 Pursuant to Articles 2 and 13 of the Windsor Framework, NI disability discrimination law needs to be updated to meet the Windsor Framework's requirements of dynamic alignment, including in relation to evolving CJEU case law on the Annex 1 equality directives post 31 December 2020. For example, the CJEU ruling in the case of *Szpital Kliniczny*¹¹¹ elaborated on the concept of disability within the EU

¹⁰⁷ EU Parliament, 'Resolution on the implementation of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation in light of the UN CRPD', 10 March 2021 (2021) OJ C 474/04; Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000. See Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, 'European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2022).

¹⁰⁸ See table of EU law in Appendix to NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/ Northern Ireland Protocol' (NIHRC and ECNI, 2022).

¹⁰⁹ Directive 2006/42/EC, 'EU Parliament and Council Directive on machinery, and amending Directive 95/16/EC (recast)', 17 May 2006.

¹¹⁰ Equality Commission for NI and NI Human Rights Commission, 'Submission of the NIHRC and ECNI to the House of Lords Sub-Committee on the Protocol's call for evidence for its inquiry on the Windsor Framework' (ECNI and NIHRC, 2023).

¹¹¹ *Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 29 January 2021. The CJEU ruled that under Article 1 of the Framework Equality Directive the definition of 'disability discrimination' should include discrimination between persons with disabilities. It also ruled that under Article 2 of this Directive any form of discrimination which is inextricably linked to a protected characteristic amounts to direct discrimination, rather than indirect discrimination.

Framework Equality Directive.¹¹² In addition, *Jurors*¹¹³ and *Tartu Vangla*¹¹⁴ highlighted that justifications for the exclusion of persons with a disability from certain professional roles must be scrutinised closely.

- 3.39 While some aspects of the Court’s findings are covered by the Disability Discrimination Act 1995, as amended, further reform of the 1995 Act is needed, particularly in relation to the definition of disability discrimination.
- 3.40 **The NIHRC recommends that NI law be amended to keep pace with the provisions of the EU Directives on standards for equality bodies which amend or replace the EU Employment Equality (Framework) Directive.**
- 3.41 **The NIHRC recommends that the Executive Office ensure that the EU Framework Equality Directive and domestic law, which gives effect to this Directive, is interpreted in line with the decision of the CJEU in the *Szpital Kliniczny* case relating to disability discrimination.**

Racial Equality

- 3.42 As outlined above, Windsor Framework Articles 2 and 13 require the law in NI to keep pace with any improvements to minimum standards of equality protection enshrined in six EU directives listed in Annex 1 to the Windsor Framework, including the EU Racial Equality Directive.¹¹⁵ The obligation also requires compliance with current and future CJEU case-law.
- 3.43 The NIHRC takes the view that refugees and asylum seekers are protected by Windsor Framework Article 2 and identified relevant EU law which underpins the non-diminution commitment.¹¹⁶ In a recent

¹¹² Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, ‘European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland’ (ECNI, NIHRC and IHREC, 2022), at 69.

¹¹³ *TC and UB v Komisia za zashtita ot diskriminatsia and VA* (‘Jurors’), Case C-824/19, 21 October 2021.

¹¹⁴ *XX v Tartu Vangla*, Case C-795/19, 15 July 2021.

¹¹⁵ Directive 2000/43/EC, ‘EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000. Pursuant to Article 13, Windsor Framework, NI equality law must keep pace with any enhancements made by the EU to the six Annex 1 directives, on or after 1 January 2021, including monitoring current and future CJEU case law.

¹¹⁶ Alison Harvey, ‘Article 2 of the Windsor Framework and the rights of refugees and persons seeking asylum’ (NIHRC, 2023).

High Court judgment, it was declared that “whilst it is true to say that the [Belfast (Good Friday) Agreement] did not expressly reference immigration or asylum, there is no basis to exclude such individuals from the wide compass of ‘everyone in the community’”.¹¹⁷

EU Racial Equality Directive

3.44 The EU Racial Equality Directive protects against discrimination on the grounds of race and ethnicity across a range of areas, including employment and vocational training, access to goods and services, education and social security.¹¹⁸

3.45 In 2022, in a response to a consultation by the EU Commission on gaps in the EU Racial Equality Directive,¹¹⁹ the NIHRC highlighted the importance of the requirement that the law in NI ‘keep pace’ with any changes to the EU Racial Equality Directive that strengthen rights.¹²⁰

3.46 The NIHRC also outlined the need to enhance the scope of discrimination and compliance under the EU Directive and highlighted the need to identify discrimination arising from algorithms and data-driven technology.¹²¹ Furthermore, the NIHRC noted that the review of the EU Directive provided a welcome opportunity to address local gaps, including protections against intersectional and multiple discrimination in NI and providing for a duty on all public authorities to collect, analyse and monitor equality data.¹²²

¹¹⁷ *In the Matter of an Application by the NI Human Rights Commission for Judicial Review* [2024] NIKB 35, at para 69.

¹¹⁸ Directive 2000/43/EC, ‘EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000.

¹¹⁹ EU Commission, ‘Addressing possible gaps in the Racial Equality Directive – Public Consultation’ (EU, 2022).

¹²⁰ NI Human Rights Commission, ‘Response to the European Commission Consultation on the Racial Equality Directive (Directive 2000/43/EC)’ (NIHRC, 2022).

¹²¹ NI Human Rights Commission, ‘Response to the European Commission Consultation on the Racial Equality Directive (Directive 2000/43/EC)’ (NIHRC, 2022).

¹²² NI Human Rights Commission, ‘Response to the European Commission Consultation on the Racial Equality Directive (Directive 2000/43/EC)’ (NIHRC, 2022).

- 3.47 In May 2024, the newly adopted EU Directives on equality bodies¹²³ also amend provisions of the EU Race Equality Directive.¹²⁴ In March 2023, the TEO launched a consultation on legislative reform of the Race Relations (NI) Order 1997.¹²⁵ In its response, the Commission highlighted the importance of compliance with Windsor Framework Article 2, including the dynamic alignment obligations in relation to the EU Racial Equality Directive, the EU directives on binding standards for equality bodies and CJEU case law.¹²⁶
- 3.48 **The NIHRC recommends that the Executive Office provide an annual report that monitors any proposed changes by the EU to the six Annex 1 equality directives, including relevant case law of the CJEU, which would facilitate compliance with these changes.**
- 3.49 **The NIHRC recommends that the Executive Office strengthen racial equality legislation in NI and ensure that developments on race law reform in NI are in compliance with Windsor Framework Article 2, including the keeping pace obligations relating to the EU Racial Equality Directive.**
- 3.50 **The NIHRC recommends that the Executive Office keep pace with those provisions of the newly adopted EU Directives on standards for equality bodies which amend or replace the EU Racial Equality Directive.**

¹²³ Directive (EU) 2024/1499, 'Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC', 7 May 2024; Directive (EU) 2024/1500, 'European Parliament and of the Council of on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU', 14 May 2024.

¹²⁴ Article 13(3), Windsor Framework; Directive 2000/43/EC, 'Council of the EU Directive on Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000.

¹²⁵ The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015).

¹²⁶ NI Human Rights Commission, 'Response to The Executive Office's Consultation on the Review of the Race Relations (NI) Order 1997' (NIHRC, 2023).

4.0. Divergence of Rights on the island of Ireland

Ireland's Equality Legislation

4.1 Ireland's two primary pieces of equality legislation, the Equal Status Act 2000 and the Employment Equality Act 1998 are currently under review. Separate to these Acts the Irish Human Rights and Equality Act 2014 at section 42 provides for the Public Sector Equality and Human Rights Duty. Section 42 provides that,

(1) A public body shall, in the performance of its functions, have regard to the need to—
(a) eliminate discrimination,
(b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
(c) protect the human rights of its members, staff and the persons to whom it provides services.

4.2 In contrast to this, equality duties and human rights duties are largely self-contained in the law relating to NI. This often means that the inter-relationship of human rights and equality duties is not recognised. The imposition of a duty similar to that contained within the 2014 Act on public authorities in NI would be helpful.

4.3 **The NIHRC recommends the integration of international human rights duties in the design and delivery of policy measures.**

Ensuring North-South Equivalence

4.4 Whilst the Windsor Framework requires that NI equality law keeps pace with any EU changes to the Annex 1 equality directives which enhance protections,¹²⁷ there is the potential for equality and human rights on the island of Ireland to diverge following UK withdrawal from the EU.

4.5 Over the longer term, North-South equivalence of protection for equality and human rights will be critically important. That is not least because it can help facilitate the enjoyment of certain rights on a cross-border basis, in keeping with the North-South rights dimension of the

¹²⁷ Article 13, Windsor Framework.

Belfast (Good Friday) Agreement. Further, it would likely enhance North-South co-operation across a range of policy areas from all-island healthcare to North-South justice co-operation, many of which have a strong equality and rights dimension.¹²⁸ Prior to 31 December 2020, EU law had facilitated the alignment of many laws on rights and equality between Ireland and NI.

- 4.6 The NIHRC urged the UK Government and NI Executive to ensure North-South equivalence of rights, by aligning with changes to EU equality and human rights law, even where not required to under the Windsor Framework, that enhance protections and reflect international human rights standards.¹²⁹
- 4.7 **The NIHRC recommends that NI equality and human rights policy and legislation keep pace with changes to EU law which strengthen protections and align with international human rights standards. This includes aligning on a voluntary basis with rights introduced as a result of EU laws that do not amend or replace the Annex 1 directives.**
- 4.8 **The NIHRC recommends that the Committee considers the enhancement and harmonisation of equality and human rights protections on the island of Ireland and to working towards ensuring North-South equivalence of rights on the island of Ireland.**

EU Law Developments

- 4.9 The NIHRC, together with the Equality Commission for NI and Irish Human Rights and Equality Commission, (the 'three Commissions'), have identified a number of developments in areas of EU law which have the potential to result in divergence of rights on the island of Ireland.¹³⁰ This includes, for example, the EU Work-life Balance

¹²⁸ NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/ Northern Ireland Protocol' (NIHRC and ECNI, 2022).

¹²⁹ NI Human Rights Commission and Equality Commission for NI, 'Annual Report of the NIHRC and the ECNI on the implementation of Protocol Article 2 2021 – 2022' (NIHRC and ECNI, 2022).

¹³⁰ Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, 'European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best

Directive,¹³¹ and the EU Accessibility Act.¹³² Such EU laws will need to be implemented in law in Ireland, but NI law will not be required to align with them pursuant to the Windsor Framework. The Commissions also highlighted a number of significant CJEU case law developments since 31 December 2020 relating to the interpretation of the Annex 1 equality directives, which continue to have implications for how particular legal rules operate in NI.¹³³

4.10 Prior to the withdrawal of the UK from the EU, in some areas that were not underpinned by EU law, there was already stronger protection against discrimination in both Ireland and Great Britain than in NI.¹³⁴ This includes in the areas of gender pay gap reporting, single equality legislation and age discrimination in access to goods, facilities and services.¹³⁵

4.11 The Commissions have highlighted the need for the UK Government, together with the EU, to consider measures to limit divergence of rights on the island of Ireland. Specifically, such measures should include the consideration of new EU laws, on a case-by-case basis, for addition to the list of equality directives within Annex 1, as provided for under the mechanisms of Windsor Framework Article 13(4).

4.12 The NIHRC recommends that regular reviews of new EU laws relating to equality and human rights should be undertaken to identify new measures to be considered for addition to the Annex 1 equality directives with particular consideration given to alignment of standards across the two jurisdictions on the island of Ireland.

practice on the island of Ireland’ (ECNI, NIHRC, IHREC 2022); Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, ‘Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland’ (ECNI, NIHRC and IHREC, 2023).

¹³¹ Directive 2019/1158/EU, ‘EU Parliament and Council Directive on work-life balance for parents and carers’, 20 June 2019.

¹³² Directive 2019/882/EU, ‘EU Parliament and Council Directive on the accessibility requirements for products and services’, 17 April 2019.

¹³³ Article 13(2), Windsor Framework. See Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, ‘Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland’ (ECNI, NIHRC and IHREC, 2023).

¹³⁴ Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, ‘European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland’ (ECNI, NIHRC and IHREC, 2022).

¹³⁵ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, ‘Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland’ (ECNI, NIHRC and IHREC, 2023), at 37-41 and 58-61.

Voluntary Alignment in Specific Areas

Participation of Women in Public Life

- 4.13 In addition to the keeping pace obligation, the NI Executive as a matter of best practice can voluntarily align with EU developments, even where it is not required to do so under the Windsor Framework. Voluntary alignment that strengthens rights and is aligned to international human rights standards could help ensure equivalence of rights on the island of Ireland.¹³⁶
- 4.14 In 2022, the EU adopted a directive on gender balance in non-executive director roles ('EU Gender Balance Directive'), whereby Member States are required to ensure that listed companies have at least 40% of non-executive director roles or 33% of all director positions to be of the underrepresented sex by June 2026.¹³⁷ Ireland is obliged under EU law to transpose these measures by that date. Such provisions may not be reflected in NI law and could potentially lead to a divergence of rights on the island of Ireland.¹³⁸
- 4.15 **The NIHRC recommends the voluntary alignment of NI law with the EU Gender Balance Directive where this strengthens protections and aligns with international human rights standards.**

Work-life Balance

- 4.16 In 2019, the EU Parliament adopted the EU Work-Life Balance Directive aimed at parents and carers.¹³⁹ The Directive aims to improve families' access to family leave and flexible work arrangements, encourage a more equal sharing of parental leave between men and women, and to address women's underrepresentation in the labour market.

¹³⁶ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2023).

¹³⁷ Directive 2022/2381/EU, 'EU Parliament and Council Directive on improving the gender balance among directors of listed companies and related measures', 23 November 2022.

¹³⁸ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2023).

¹³⁹ Directive 2019/1158/EU 'EU Parliament and Council Directive on work-life balance for parents and carers', 20 June 2019.

- 4.17 The NIHRC had noted that¹⁴⁰ the EU Work-Life Balance Directive¹⁴¹ repeals and replaces the EU Parental Leave Directive.¹⁴² Although this is not a directive listed under Annex 1 Windsor Framework, the NIHRC¹⁴³ and the UK Government¹⁴⁴ have identified the EU Parental Leave Directive as falling within the scope of Windsor Framework Article 2. The legislative developments within the EU, including Ireland, in relation to work-life balance for parents and carers could lead to a divergence of rights.¹⁴⁵
- 4.18 If the provisions of the EU Work-Life Balance Directive¹⁴⁶ are not implemented in NI law, NI would only benefit from the more limited obligations in the EU Parental Leave Directive,¹⁴⁷ even though it has been replaced.
- 4.19 Implementing provisions of the Directive, such as those on non-transferable parental leave, would avoid a potential divergence of rights on the island of Ireland and could positively contribute to addressing some of the key barriers to the full and equal participation of women in employment by encouraging an equal sharing of parental leave.¹⁴⁸
- 4.20 **The NIHRC recommends the voluntary alignment of NI law with those provisions of the EU Work-Life Balance Directive that enhance equality and human rights protections and align with international human rights standards.**

¹⁴⁰ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2023), at para 4.69.

¹⁴¹ Directive 2019/1158/EU 'EU Parliament and Council Directive on work-life balance for parents and carers', 20 June 2019.

¹⁴² Directive 2010/18/EU, 'Council Directive implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC', 8 March 2010.

¹⁴³ NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/ Northern Ireland Protocol' (NIHRC and ECNI, 2022).

¹⁴⁴ NI Office, 'UK Government commitment to no diminution of rights, safeguards and equality of opportunity in Northern Ireland' (NIO, 2020).

¹⁴⁵ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2023), at 40-42.

¹⁴⁶ Directive 2019/1158/EU 'EU Parliament and Council Directive on work-life balance for parents and carers', 20 June 2019.

¹⁴⁷ Directive 2010/18/EU, 'Council Directive implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC', 8 March 2010.

¹⁴⁸ Equality Commission for NI, NI Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2023), at 40-42.

EU Accessibility Act

- 4.21 In 2022, research commissioned by Equality Commission for NI on behalf of the NIHRC and Irish Human Rights and Equality Commission, highlighted that the implementation of the EU Accessibility Act¹⁴⁹ in Ireland will create a potential divergence of rights between Ireland and NI for people with disabilities and older people.¹⁵⁰ The Act provides for more accessible products and services, at more competitive prices and fewer barriers to accessing transport and education.¹⁵¹ It will also address key inequalities that exist for disabled people and older people in accessing goods and services.
- 4.22 There is no obligation on the UK Government or NI Executive to transpose the EU Directive into UK law. The deadline for EU member states to transpose the Accessibility Act into national law was June 2022. As of June 2025, companies must ensure that the products and services covered by the Act are accessible. Ireland has implemented the Act via the European Union (Accessibility Requirements of Products and Services) Regulations 2023.¹⁵²
- 4.23 **The NIHRC recommends that NI law aligns, on a voluntary basis, with the EU Accessibility Act where this enhances protections for people with disabilities and older people and aligns with international human rights standards.**

¹⁴⁹ Directive 2019/882/EU, 'Directive of the EU Parliament and Council on the accessibility requirements for products and services (European Accessibility Act)', 17 April 2019.

¹⁵⁰ The European Accessibility Act does not fall directly under the Windsor Framework Article 2 commitment. See Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, 'European Union developments in Equality and Human Rights: The Impact of Brexit on the divergence of rights and best practice on the island of Ireland' (ECNI, NIHRC and IHREC, 2022), at 104.

¹⁵¹ EU Commission, 'Employment, Social Affairs & Inclusion: European accessibility act'. Available at <https://ec.europa.eu/social/main.jsp?catId=1202>.

¹⁵² European Union (Accessibility Requirements of Products and Services) Regulations 2023 (SI 636/2023).

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