



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Submission to the House of Lords European  
Affairs Committee Inquiry on Dynamic  
Alignment**

**05 May 2026**

# Table of Contents

<b>Table of Contents</b> .....	<b>2</b>
<b>Summary of Advice and Recommendations</b> .....	<b>3</b>
<b>1.0 Introduction</b> .....	<b>5</b>
<b>2.0 Windsor Framework Article 2 and dynamic alignment</b> .....	<b>6</b>
Question 1: What is Dynamic alignment? .....	8
Dynamic alignment with EU Measures.....	8
CJEU Jurisprudence .....	10
<b>3.0 Lessons from NI</b> .....	<b>14</b>
Question 2b: In developing its arrangements for dynamic alignment, are there lessons that the UK should draw from the experience of a form of dynamic alignment with respect to NI under the Withdrawal Agreement Protocol/Windsor Framework? .....	14
<b>4.0 Stakeholder Engagement</b> .....	<b>20</b>
Question 3: Can formal 'decision-shaping' by non-EU states, under agreements with the EU, deliver real influence over the EU law to which it applies? .....	20

## Summary of Advice and Recommendations

**The Northern Ireland Human Rights Commission recommends that:**

- 2.18** the Committee ask the UK Government to undertake, with the EU, a review of monitoring and information-sharing mechanisms pursuant to the Windsor Framework, including Article 2, and publish the findings with any recommendations for improvement.
- 2.19** to facilitate compliance with the dynamic alignment obligation pursuant to Articles 2 and 13 of the Windsor Framework, the UK Government publish an annual report monitoring and providing detailed analysis of any proposed changes by the EU to the equality directives listed in Annex 1 and relevant CJEU case law.
- 2.20** the UK Government and EU undertake regular reviews of new EU equality and human rights laws to identify new measures to be considered for addition to Annex 1, as provided for under Article 13(4) of the Windsor Framework. Particular consideration should be given to alignment of standards across both jurisdictions on the island of Ireland, where these enhance rights.
- 3.13** the UK Government and EU agree and publish a robust and comprehensive framework for considering whether a new measure amends or replaces an existing one and commends the NIHRC's approach in respect of the Annex 1 equality directives for consideration.
- 3.14** the Committee urges the UK Government to set out how it will ensure that NI law is updated to reflect those provisions of the EU Pay Transparency Directive and the EU directives on standards for equality bodies which amend or replace Annex 1 Equality Directives.

- 3.15 the Committee asks the UK Government to ensure that equality and human rights considerations are built in at all key stages when the 'Stormont brake' or the revised process under Windsor Framework Article 13(4) is engaged and that a human rights compliant approach is prioritised.**
- 4.7 the Committee ask the UK Government and EU officials to ensure ongoing, timely and structured engagement with NI civil society including equality and human rights stakeholders, on matters relating to Windsor Framework Article 2. This engagement should include those working on rights and equality on a cross-border basis.**
- 4.9 the Committee ask the UK Government to provide details about how information on new EU legislative and policy developments of relevance to the Windsor Framework will be shared with NI stakeholders to facilitate the opportunity for engagement with those proposals at an early stage.**
- 4.12 the Committee urges the UK Government to undertake and publish early and detailed technical analysis of proposed EU law developments, including those of relevance to Windsor Framework Article 2, to facilitate effective parliamentary scrutiny of those developments.**
- 4.13 the Committee consider whether there is early, detailed and effective scrutiny of proposed EU law developments relevant to the dynamic alignment obligations, including under Windsor Framework Article 2, within the UK parliamentary committee structure.**

## 1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (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, under section 78A(1) of the 1998 Act to monitor the implementation of Article 2(1) of the Windsor Framework.<sup>1</sup> In accordance with these functions, this advice is submitted to the House of Lords European Affairs Committee for its Inquiry on dynamic alignment.
- 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 treaty obligations of the Council of Europe (CoE) and the United Nations (UN).
- 1.3 The NIHRC further advises on the United Kingdom (UK) Government's compliance with its commitment in Windsor Framework Article 2 to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement 1998 as a result of the UK's withdrawal from the European Union (EU). Article 2 also entails a degree of dynamic alignment as outlined below. Section 7A of the EU (Withdrawal) Act 2018 gives effect in UK law to the Withdrawal Agreement, which includes the Windsor Framework. Section 6 of the NI Act 1998 prohibits the NI Assembly from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also requires all acts of NI Ministers and NI Departments to be compatible with Windsor Framework Article 2.
- 1.4 The NIHRC welcomes the opportunity to respond to the European Affairs Committee inquiry on dynamic alignment and has focused on

---

<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the European Atomic Energy Community, 24 January 2020 (UK-EU Withdrawal Agreement). 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).

addressing only those questions in the Committee’s call for evidence which fall within its remit. The NIHRC would be happy to provide further evidence to the Committee, should this prove useful.

## 2.0 Windsor Framework Article 2 and dynamic alignment

- 2.1 Human rights and equality protections are at the heart of the Belfast (Good Friday) Agreement 1998 and are central to the peace process in NI. The Declaration of Support to the 1998 Agreement includes a dedication to the “protection and vindication of the human rights of all”. Human rights and equality protections continue to be contested in NI. While the ECHR was incorporated into UK law via the Human Rights Act, a Bill of Rights for NI to reflect the particular circumstances in NI and drawing on international instruments and experience remains outstanding.<sup>2</sup> There are many examples of rights and safeguards in NI falling behind those in Great Britain and Ireland.<sup>3</sup>
- 2.2 As noted in the preamble to the Windsor Framework, EU law has “provided a supporting framework for the provisions on Rights, Safeguards and Equality of Opportunity of the 1998 Agreement”. Prior to withdrawal from the EU, many of the significant developments in equality law in NI were the result of EU law obligations.<sup>4</sup> In addition, EU free movement law had facilitated the open border between NI and Ireland.
- 2.3 The importance of protecting the 1998 Agreement and its human rights and equality commitments was accepted as a key issue for resolution in negotiations leading to the UK’s withdrawal from the

---

<sup>2</sup> The NIHRC provided advice to the UK Government in 2008 (NI Human Rights Commission, ‘A Bill of Rights for NI: Advice to the Secretary of State for NI’ (NIHRC, 2008)). In 2022, the NI Assembly Ad Hoc Committee on a Bill of Rights reaffirmed that a majority of individuals and groups in NI support a Bill of Rights but was unable to advise as to what form this should take due to the absence of an expert panel and the disagreement of the Democratic Unionist Party. (NI Assembly, ‘Report of the Ad Hoc Committee on Bill of Rights’ (NIA, 2022)).

<sup>3</sup> For example, in areas such as the introduction of marriage equality for same-sex partners and abortion law reform, changes to the NI law were introduced by the UK Parliament rather than the NI Assembly (NI (Executive Formation etc) Act 2019). Similarly, gender pay gap reporting has not been implemented in NI and it remains the only part of the UK and Ireland without this framework in place (see Northern Ireland Human Rights Commission, ‘Submission to the Department for Communities’ Consultation on the Gender Pay Gap Information Regulations’ (NIHRC, 2025)).

<sup>4</sup> Equality Commission for NI, ‘Submission to the Committee for the Executive Office Inquiry into Gaps in Equality Legislation’ (ECNI, 2024).

EU.<sup>5</sup> Article 1 of the Windsor Framework sets out its objectives, which include provision for the “arrangements necessary to address the unique circumstances on the island of Ireland, to maintain the necessary conditions for continued North-South cooperation, to avoid a hard border and protect the 1998 Agreement in all its dimensions”.

- 2.4 Windsor Framework Article 2 requires the UK Government to ensure that there is no diminution of rights, safeguards and equality of opportunities contained in the relevant part of the Belfast (Good Friday) Agreement 1998, as a result of the UK’s withdrawal from the EU. This means that a range of EU measures that bound the UK before its withdrawal continue to set minimum standards in NI. The majority of EU obligations against which the UK Government commitment is measured relate to the relevant EU standards as they were on 31 December 2020.<sup>6</sup> However, in addition, pursuant to Article 13(3) of the Windsor Framework, six EU equality directives listed in Annex 1 of the Windsor Framework, are subject to a dynamic alignment obligation.
- 2.5 The rights listed in the 1998 Agreement include the “civil rights ... of everyone in the community”. In 2024, the NI Court of Appeal held that the Rights, Safeguards and Equality of Opportunity chapter consists of a “broad suite of rights” and extends “further than those rights specifically listed”.<sup>7</sup> This decision is subject to appeal.<sup>8</sup>
- 2.6 The Courts have considered the enforceability of the non-diminution commitment in Windsor Framework Article 2, but the question of enforceability of dynamic alignment has not yet been before the courts. The Court of Appeal in *Dillon* has confirmed that “a diminution prohibited by Article 2 [of the Windsor Framework] might occur either by reducing the substance of a right (as here) or

---

<sup>5</sup> Joint report from the Negotiators of the EU and UK Government progress during Phase 1 of Negotiations under Article 50 TEU on the UK’s Orderly Withdrawal from the EU, 8 December 2017, at para 42 and 53; Preamble to the Windsor Framework recognised that the UK withdrawal from the EU presented a ‘significant and unique challenge to the island of Ireland’.

<sup>6</sup> NI Office, ‘UK Government Commitment to No-diminution of Rights, Safeguards and Equality of Opportunity in Northern Ireland’ (NIO, 2020), at para 13.

<sup>7</sup> *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at para 115.

<sup>8</sup> The UK Supreme Court heard an appeal on 14-16 October 2025 (UKSC/2025/0013) and a decision of the court is awaited. Further details are available here: <https://supremecourt.uk/cases/uksc-2025-0013>.

by reducing the efficacy of available remedies”.<sup>9</sup> As noted by Lock et al, while the Court of Justice of the European Union (CJEU) affirmed that Member States are in principle able to choose enforcement procedures and remedies, they must ensure that these remedies result in real and effective judicial protection of the EU law rights.<sup>10</sup>

- 2.7 The interrelationship of human rights and economic integration in the EU is critically important and should inform all consideration. Fundamental rights are recognised as “an integral part” of the general principles of EU law.<sup>11</sup> Respect for human rights is a condition for the legality of EU measures.<sup>12</sup> Windsor Framework Article 2 and the dynamic alignment obligation in relation to the EU Equality Directives in Annex 1 reflect this commitment.

### **Question 1: What is Dynamic alignment?**

#### *Dynamic alignment with EU Measures*

- 2.8 Articles 2 and 13 of the Windsor Framework require that NI law dynamically aligns with any improvements to minimum standards of protection enshrined in six EU Equality Directives listed in Annex 1 to the Windsor Framework.<sup>13</sup> Article 13(3) of the Windsor

---

<sup>9</sup> *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at para 149. The Court of Appeal upheld the decision of the High Court that found that that the offending provisions in that case should be disapplied (at para 57, 151-158; *In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NIKB 11, at para 710).

<sup>10</sup> Tobias Lock, Eleni Frantziou and Anurag Deb, ‘The Interaction between the EU Charter of Fundamental Rights and General Principles with the Windsor Framework’ (NIHRC, 2024), at 28. See also Anurag Deb, Eleni Frantziou, Sylvia de Mars, Colin Murray and Aoife O’Donoghue, ‘Windsor Framework Article 2: Enforcement and Remedies’ (NIHRC, 2025) where the researchers argue that “the remedies that UK courts granted for breaches of EU law before Brexit will continue to be available for all breaches of the Withdrawal Agreement after Brexit” (at 56).

<sup>11</sup> See *Erich Stauder v City of Ulm*, Case 29/69, 12 November 1969, at para 7; *Internationale Handelsgesellschaft v Einfuhr- und Vorratstelle für Getreide und Futtermittel*, Case 11/70, 17 December 1970, at para 4. The CJEU has ruled that respect for human rights is a condition for the legality of EU measures (see *Yassin Abdullah Kadi and Al Barakat International Foundation v EU Council and Commission*, C-402/05 and 415/05, 3 September 2008).

<sup>12</sup> Paul Craig and Gráinne de Búrca, ‘EU Law: Text, Cases and Materials – 8<sup>th</sup> Edition – UK Version’ (OUP, 2024), at 423.

<sup>13</sup> Race Equality Directive: 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; Employment Equality (Framework) Directive: Directive 2000/78/EC, ‘EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation’, 27 November 2000; Gender Equality Directives: Directive 2004/113/EC, ‘EU 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, ‘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’, 5 July 2006; 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; Directive 79/7/EEC, ‘EU Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security’, 19 December 1978.

Framework provides that where the Windsor Framework refers to an EU law measure, which includes the six equality directives in Annex 1, “that reference shall be read as referring to a Union act as amended or replaced”. It is the NIHRC’s view that Article 13(3) must be read with Article 2 and therefore the dynamic alignment obligation has effect subject to the requirement that there is no diminution of rights and safeguards. The UK Government is therefore required to ensure that any amendment to, or replacement of, any provision of an Annex 1 Directive by the EU on or after 1 January 2021, which enhances rights and protections, is reflected in NI law.

2.9 According to the UK Government, the purpose of this commitment was “to provide a reassurance” and to ensure that NI would not fall behind minimum EU standards in anti-discrimination law.<sup>14</sup> This commitment is designed to ensure that “if the EU decides to amend or replace the substantive rights in those directives to improve the minimum levels of protection available, the corresponding substantive rights protections in Northern Ireland will also develop to take account of this”.<sup>15</sup> This accords with the NIHRC understanding of how Windsor Framework Article 2 and 13(3) work together.

2.10 It is the view of the NIHRC that long-term North-South equivalence of rights was envisaged by the Belfast (Good Friday) Agreement 1998 and is important for the enjoyment of rights on a cross-border basis and access to island of Ireland and cross-border services.<sup>16</sup> The principle of equivalence also underpins North-South co-operation, consistent with Article 11 of the Windsor Framework, which further provides that the UK-EU Joint Committee should “keep under constant review the extent to which the implementation and application of this Protocol maintains the necessary conditions for North-South cooperation on the island of

---

<sup>14</sup> 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 12.

<sup>15</sup> 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 12.

<sup>16</sup> Northern Ireland Human Rights Commission and Irish Human Rights and Equality Commission ‘Policy Statement on the UK Withdrawal from the EU’ (NIHRC and IHREC, 2018), at 6.

Ireland”.<sup>17</sup> The principle of dynamic alignment helps mitigate divergence of rights on the island of Ireland post-Brexit, albeit limited to the equality protections in the six directives in Annex 1 in respect of Article 2.

2.11 In addition, Windsor Framework Article 13(4) provides a mechanism whereby a new EU measure, which neither amends nor replaces an EU measure in one of the Annexes, can be added to the Windsor Framework at the request of either the UK or the EU. The UK and EU have been exchanging views on the implications of adding the EU Artificial Intelligence Act to Annex 2 for the proper functioning of the Windsor Framework in both the Specialised Committee and the UK-EU Joint Committee.<sup>18</sup> Following the political agreement between the UK and the EU in 2023, any decision by the Joint Committee to add a new measure to the Annexes of the Windsor Framework will be subject to an applicability motion in the NI Assembly.<sup>19</sup>

### *CJEU Jurisprudence*

2.12 The dynamic alignment obligation also requires ongoing adherence to relevant CJEU case law.<sup>20</sup> This provides an important qualification to the general approach after the 1 January 2021, as set out in Article 4 of the Withdrawal Agreement. Article 13(2) states that provisions of the Windsor Framework referring to EU law or to concepts or provisions thereof should be interpreted in conformity with the relevant case law of the CJEU. UK Government and NI departments should therefore consider relevant EU case law in the development of laws and policies in areas covered by the six Annex 1 equality directives. Similarly, NI courts should ensure that any consideration of a provision of the six Annex 1 equality directives is in line with relevant CJEU jurisprudence. It is therefore necessary to

---

<sup>17</sup> Article 11(2), Windsor Framework.

<sup>18</sup> UK Government and EU Commission, 'Press Release: Joint statement on the Withdrawal Agreement Joint Committee and Trade and Cooperation Agreement Partnership Council meetings', 2 February 2026; UK Government and EU Commission, 'Press Release: Specialised Committee on the Implementation of the Windsor Framework - Joint Statement', 3 December 2025.

<sup>19</sup> Windsor Framework (Democratic Scrutiny) Regulations 2024. If an applicability motion is not passed by the Assembly with cross-community support, the UK Government can add the new measure to the relevant Annex of the Windsor Framework if there are exceptional circumstances or if the new EU measure would not create a regulatory border between NI and the rest of the UK.

<sup>20</sup> Article 13(2), Windsor Framework.

monitor relevant CJEU case law developments to ensure that NI law is compliant with Articles 2 and 13 of the Windsor Framework.

2.13 Monitoring relevant EU legislative, policy and case law developments is essential to ensure that NI law remains compliant with the dynamic alignment obligation and avoids any breach of Windsor Framework Articles 2 and 13. This requires considerable resources and expertise to be allocated to identifying and scrutinising relevant EU developments. The NIHRC, the Equality Commission for NI (ECNI) and the Irish Human Rights and Equality Commission<sup>21</sup> have commissioned a series of research projects to track and examine the divergence in the protection of rights and equality on the island of Ireland since the UK's exit from the EU, which includes tracking CJEU case law developments relating to the interpretation of the Annex 1 equality directives.<sup>22</sup> For example, in the *Szpital Kliniczny* case the CJEU refined the concept of disability discrimination within the EU Framework Equality Directive,<sup>23</sup> finding that the definition of 'disability discrimination' should include discrimination between persons with disabilities.<sup>24</sup> The Court also found that discrimination which is inextricably linked to a protected characteristic amounts to direct discrimination.<sup>25</sup> Therefore to ensure compliance with Articles 2 and 13(2) the definition of disability in NI law should reflect this jurisprudence.

---

<sup>21</sup> Article 2(2) of the Windsor Framework requires the UK Government to continue to facilitate the work of the NIHRC, the Equality Commission for Northern Ireland and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland in upholding human rights and equality standards. In addition, the three Commissions can bring any matter of relevance to Article 2 to Specialised Committee on the Implementation of the Windsor Framework for its consideration (Article 14(c), Windsor Framework).

<sup>22</sup> Sarah Craig, Claire Lougarre and Rory O'Connell, 'EU Developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best Practice on the Island of Ireland: Update paper on Developments Post-January 2022' (ECNI, NIHRC and IHREC, 2024); Sarah Craig, Anurag Deb, Eleni Frantziou, Alexander Horne, Colin Murray, Clare Rice and Jane Rooney, 'EU 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); Equality Commission for NI, Northern Ireland Human Rights Commission and Irish Human Rights and Equality Commission, 'Policy Recommendations: EU 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).

<sup>23</sup> Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

<sup>24</sup> *Szpital Kliniczny mi. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie*, Case C-16/19, 29 January 2021.

<sup>25</sup> See also cases such as *IX v WABE eV and MH Müller Handels GmbH v MJ*, Joined Cases C-804/18 and C-341/19, 15 July 2021, where the CJEU found that differentiating between religious symbols, amounts to direct discrimination under the EU Framework Equality Directive and cannot be justified, except by reference to a narrow list of occupational requirements, rather than by a commercial policy of neutrality. In *EB v BVAEB*, C-405/20, 5 May 2022, while the CJEU found that indirect discrimination in that case was justified and proportionate, it was willing to accept coherent 'social justice' justifications for the restriction of pension entitlements.

2.14 The NI Court of Appeal has confirmed that the EU Charter of Fundamental Rights continues to apply in the interpretation of relevant provisions of EU minimum standards within scope of the Windsor Framework.<sup>26</sup> Independent research commissioned by the NIHRC on the interaction between the EU Charter of Fundamental Rights and the NI legal framework has highlighted that:

in Northern Ireland, EU law carries [EU] Charter applicability with it via Article 4 of the Withdrawal Agreement and Article 2 of the Windsor Framework, with an obligation of dynamic alignment and a concomitant duty to conform to the evolving case law of the CJEU under Article 13 of the Windsor Framework in respect of specifically listed legislation (ie, in respect of Article 2 this duty applies to the Annex 1 Directives...).<sup>27</sup>

2.15 The dynamic alignment obligation in respect of Articles 5 and 7-10 of the Windsor Framework is subject to the continued supervision and jurisdiction of the CJEU, and pursuant to Article 12, its judgments will produce the same effects in the UK as in the EU and its Member States.<sup>28</sup> Article 2 is not included in the jurisdiction of the CJEU and it falls to NI courts to uphold Windsor Framework Article 2. The NI Court of Appeal considered Windsor Framework Article 2 and found it to be directly effective.<sup>29</sup> Relying on the reasoning of the UK Supreme Court in *Allister*,<sup>30</sup> the Court found that the Windsor Framework was given effect by Section 7A of the EU Withdrawal Act and that the non-diminution commitment in Windsor Framework Article 2 has direct effect and can be relied on in the courts.<sup>31</sup> To ensure compliance with Windsor Framework Article 2, including the dynamic alignment obligation in respect of

---

<sup>26</sup> *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at para 126; See also *Secretary of State for Work and Pensions v AT* [2023] EW CA Civ 1307, at para 92. Tobias Lock et al, 'The Interaction Between the EU Charter of Fundamental Rights and General Principles with the Windsor Framework' (NIHRC, 2024);

<sup>27</sup> Tobias Lock, Eleni Frantziou and Anurag Deb, 'The Interaction between the EU Charter of Fundamental Rights and General Principles with the Windsor Framework' (NIHRC, 2024), at 75. See also Anurag Deb, Eleni Frantziou, Sylvia de Mars, Colin Murray and Aoife O'Donoghue, 'Windsor Framework Article 2: Enforcement and Remedies' (NIHRC, 2025), at 86.

<sup>28</sup> Article 12, Windsor Framework.

<sup>29</sup> *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 83, 84-85.

<sup>30</sup> *Re Allister* [2023] UKSC 5, at para 74.

<sup>31</sup> *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 83, 84-85. See also Humphrys J in *Re NIHRC and JR295* [2024] NIKB 35, at para 57.

the Annex 1 Equality Directives, UK courts are empowered to disapply inconsistent or incompatible domestic provisions.<sup>32</sup>

2.16 The NIHRC may raise any matter of relevance to Article 2 with the Specialised Committee on the implementation of the Windsor Framework.<sup>33</sup> The UK-EU Joint Committee is responsible for the implementation and operation of the Withdrawal Agreement and may adopt decisions by mutual consent, which will have the same legal effect as the UK-EU Withdrawal Agreement.<sup>34</sup> In the event that a dispute on the implementation and operation of the Withdrawal Agreement cannot be resolved through the UK-EU Joint Committee, arbitration is provided for in Articles 167-181 of the Withdrawal Agreement, with further details as to procedure in Appendix VIII. The arbitration procedure includes a limited role for the CJEU.<sup>35</sup> Where an issue about the interpretation of EU law arises in the course of arbitration, this must be referred to the CJEU for consideration and decision. A decision as to the interpretation of EU law is binding on the arbitration panel, who will ultimately determine the dispute. To date, this arbitration process has not been engaged. In 2025 the NIHRC published independent research on enforcement and remedies in relation to Windsor Framework Article 2, which considers this process in more detail.<sup>36</sup>

2.17 Under the dynamic alignment obligation in the Windsor Framework, the UK and EU have developed information sharing mechanisms. In addition, the UK Government will monitor and scrutinise EU developments, including those proposed EU measures, legislative changes and case law relevant to Article 2.

**2.18 The NIHRC recommends that the Committee ask the UK Government to undertake, with the EU, a review of monitoring and information-sharing mechanisms pursuant to**

---

<sup>32</sup> Article 4(1) and (2), UK-EU Withdrawal Agreement. The Court of Appeal in England and Wales has that Article 4 of the UK-EU Withdrawal Agreement and section 7A of the EU (Withdrawal) Act 2018 confer “direct effect on litigants and a connected power and duty on the national courts to disapply inconsistent domestic law” (*Secretary of State for Work and Pensions v AT* [2023] ECWA Civ 1307, at para 106). The NI Court of Appeal has adopted a consistent approach that disapplication of the offending provisions was the “correct remedy” for a breach of Windsor Framework Article 2 (*Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 117, 120 and 126).

<sup>33</sup> Article 14, Windsor Framework, Article 165, UK-EU Withdrawal Agreement and section 78A(9) NI Act 1998.

<sup>34</sup> Articles 164 and 166, UK-EU Withdrawal Agreement.

<sup>35</sup> Article 174, UK-EU Withdrawal Agreement.

<sup>36</sup> Anurag Deb, Eleni Frantziou, Sylvia de Mars, Colin Murray and Aoife O’Donoghue, ‘Windsor Framework Article 2: Enforcement and Remedies’ (NIHRC, 2025), at Chapter 5.

**the Windsor Framework, including Article 2, and publish the findings with any recommendations for improvement.**

- 2.19 The NIHRC recommends that, to facilitate compliance with the dynamic alignment obligation pursuant to Articles 2 and 13 of the Windsor Framework, the UK Government publish an annual report monitoring and providing detailed analysis of any proposed changes by the EU to the equality directives listed in Annex 1 and relevant CJEU case law.**
- 2.20 The NIHRC recommends that the UK Government and EU undertake regular reviews of new EU equality and human rights laws to identify new measures to be considered for addition to Annex 1, as provided for under Article 13(4) of the Windsor Framework. Particular consideration should be given to alignment of standards across both jurisdictions on the island of Ireland, where these enhance rights.**

## **3.0 Lessons from NI**

**Question 2b: In developing its arrangements for dynamic alignment, are there lessons that the UK should draw from the experience of a form of dynamic alignment with respect to NI under the Withdrawal Agreement Protocol/Windsor Framework?**

- 3.1** In respect of Windsor Framework Articles 2 and 13, the dynamic alignment obligation requires the UK Government to ensure any improvements to minimum standards of equality protection enshrined in the six Annex 1 equality directives are implemented in NI law. As equality is devolved, it would usually fall to the NI Assembly and Executive to implement this. Where action is necessary to give effect to the UK Government's international obligations, the Secretary of State can direct that this action be taken.<sup>37</sup> Assessing whether or not a new measure 'amends or replaces' an existing EU measure is a critical task in implementing dynamic alignment and requires detailed consideration. The scope of this obligation is a relatively straightforward process if a

---

<sup>37</sup> Section 26(2), NI Act 1998.

proposed EU measure explicitly amends or replaces an Annex 1 directive, a form of textual amendment, and identifying what needs to be updated in NI law is clear.

- 3.2 Where a new EU measure or provision of a new measure supplements, consolidates or further enforces an Annex 1 directive and does not explicitly state that it will amend or replace that measure, then a consistent approach is required to ensure that any enhancement to rights and protections is reflected in NI law. Such amendments can also occur indirectly or by implication. For example, a recent EU directive has updated the definition of discrimination in EU law to include 'intersectional discrimination', which has implications for other EU equality measures in Annex 1.<sup>38</sup> This is similar to the process of implied repeal in UK law; where there is conflict, a later statute prevails over the earlier statute.<sup>39</sup>
- 3.3 The NIHRC advises that analysis of whether a new measure effectively amends or replaces an existing measure should include consideration of at least the following criteria:

- the **legal basis** of both the original and new measures;
- the **aim or 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;
- the degree to which it facilitates the **implementation and application** of an Annex 1 equality directive;
- the degree to which the new measure facilitates the **enforcement** of an Annex 1 equality directive;
- the degree to which it **interprets and clarifies** existing concepts; and
- any relevant **CJEU case law**.

---

<sup>38</sup> See Article 3, 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; Equality Commission for NI and Northern Ireland 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).

<sup>39</sup> See for example the discussion in *Re Allister* [2023] UKSC 5, at paras 64-69.

3.4 In June 2023, the EU adopted the Pay Transparency Directive,<sup>40</sup> which aims to strengthen the existing enforcement tools and procedures relating to the rights and obligations and equal pay provisions in the EU Gender Equality (Employment) Directive,<sup>41</sup> which is listed in Annex 1 of the Windsor Framework. The EU Pay Transparency Directive must be transposed by Member States by 7 June 2026.<sup>42</sup>

3.5 The NIHRC, together with ECNI, conducted a detailed analysis of the EU Pay Transparency Directive and considered a number of factors, including:

- **legal basis:** the EU Pay Transparency Directive and the EU Gender Equality (Employment) Directive have the same legal basis in Article 157 of the Treaty on the Functioning of the EU;<sup>43</sup>
- **aim:** the EU Pay Transparency Directive aims to strengthen the application of the principle of equal pay and the prohibition of discrimination set out in the EU Gender Equality (Employment) Directive, through both pay transparency and reinforced enforcement mechanisms;
- **substance:** there is a considerable degree of overlap on the substance of the rights and safeguards between the two directives;
- **enforcement and implementation:** the EU Pay Transparency Directive makes clear that its provisions relating to remedies and enforcement “apply to” proceedings relating to any right or obligation relating to the principle of equal pay set out in the EU Gender Equality (Employment) Directive;
- **interpretation:** the EU Pay Transparency Directive clarifies a number of existing concepts in the earlier Directive, including

---

<sup>40</sup> 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.

<sup>41</sup> 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.

<sup>42</sup> Article 34, 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.

<sup>43</sup> Article 157(3), Treaty on the Functioning of the EU empowers the EU Parliament and Council to “adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value”.

core concepts related to equal pay for equal work or work of equal value; and

- **case-law:** the EU Pay Transparency Directive updates the legal framework in accordance with CJEU case law.<sup>44</sup>

3.6 For example, the EU Commission Explanatory Memorandum confirms that provisions on the right to information in the Pay Transparency Directive (Articles 7 and 8) are aimed at providing workers with the necessary information to assess whether they are carrying out equal work or work of equal value, and to enforce their right to equal pay.<sup>45</sup> This is linked directly to the enforcement of the principle of equal pay.<sup>46</sup> Similarly, provisions on limitation periods,<sup>47</sup> the right to compensation<sup>48</sup> and proof of equal work or work of equal value<sup>49</sup> aim to reflect CJEU case law developments clarifying and interpreting the enforcement of the EU Gender Equality (Employment) Directive.<sup>50</sup>

3.7 The NIHRC and ECNI found that, 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, all other provisions amend or replace provisions in the EU Gender Equality (Employment) Directive.<sup>51</sup>

3.8 In addition, in 2024, the EU adopted two new directives setting minimum standards for equality bodies, strengthening their role and

---

<sup>44</sup> Equality Commission for NI and Northern Ireland 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).

<sup>45</sup> EU Commission, 'Explanatory Memorandum to COM (2021)93 - Proposal for a Directive to strengthen the application of the principle of equal pay for equal work between men and women through pay transparency and enforcement mechanisms - EU monitor' (EU Comm, 2021).

<sup>46</sup> Article 7(5), 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.

<sup>47</sup> Article 21 and Recital 53, 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.

<sup>48</sup> Article 16 and Recital 50, 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.

<sup>49</sup> Article 19 and Recital 29, 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.

<sup>50</sup> Equality Commission for NI and Northern Ireland 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).

<sup>51</sup> Equality Commission for NI and Northern Ireland 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).

independence to achieve more robust enforcement of equality protections under the EU equality directives in Annex 1.<sup>52</sup> The NIHRC considers that these EU directives amend or replace provisions of the EU equality directives in Annex 1 of the Windsor Framework. When these were at proposal stage the UK Government accepted this.<sup>53</sup> The directives aim to create a strengthened framework for the promotion and application of equal treatment, equal opportunities and to combat discrimination by setting minimum standards addressing the role and independence of equality bodies across the six Annex 1 equality directives.

3.9 It is the view of the NIHRC that where a new EU measure or its provisions amend or replace one or more of the Annex 1 equality directives, NI law should be amended as required by the transposition deadline, in this case by 19 June 2026.<sup>54</sup> The NIHRC has previously urged the Department for Communities in NI to bring forward legislation to ensure NI law dynamically aligns with those provisions of the EU Pay Transparency Directive and the EU directives on standards for equality bodies which amend or replace Annex 1 equality directives.<sup>55</sup>

3.10 The Joint Consultative Working Group on the implementation of the Windsor Framework is designed as a forum for the exchange of information and for mutual consultation, including on planned EU measures that amend or replace EU laws listed in the Annexes of the Windsor Framework.<sup>56</sup> This mechanism is essential for the

---

<sup>52</sup> Directive 2024/1499/EU, '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, 'EU Parliament and Council Directive 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.

<sup>53</sup> Letter from the Minister of State for NI, Steve Baker, to the Chair of the House of Lords Sub Committee on the Protocol on Ireland/NI, 18 September 2023.

<sup>54</sup> Article 24, Directive 2024/1499/EU, '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; Article 24, Directive (EU) 2024/1500, 'EU Parliament and Council Directive 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.

<sup>55</sup> See Chapter 4 on Equality and Non-Discrimination - Consolidating, strengthening and clarifying equality protections and Chapter 12 on Right to Work and to Just and Favourable Conditions of Work – Gender Pay Gap in Northern Ireland Human Rights Commission, 'Annual Statement 2025: Human Rights in NI' (NIHRC, 2025).

<sup>56</sup> Article 15, Windsor Framework.

smooth operation of the dynamic alignment obligation and should be used to ensure early consideration of human rights and equality implications of new measures.

3.11 As referenced above, economic cooperation and human rights are interconnected and mutually reinforcing. Moreover, all EU law must be read in light of the EU Charter of Fundamental Rights, which has the same legal value as the EU foundational treaties.<sup>57</sup> The interconnected nature of EU law is illustrated in the human rights and equality implications of some of the trade-focused legislation in Annex 2 of the Windsor Framework. The NIHRC has identified measures within scope of the non-diminution commitment in Windsor Framework Article 2<sup>58</sup> which are listed in Annex 2 and are therefore also subject to the dynamic alignment obligation. 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),<sup>59</sup> 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.

3.12 This measure is also subject to the 'Stormont brake' mechanism and this may have potential implications for equality and human rights, including those relating to disabled people in NI.<sup>60</sup> If Members of the NI Assembly demonstrate that the EU measure has a significant and lasting impact specific to the everyday lives of communities in NI in a way that is liable to persist, the 'Stormont brake' can be invoked.<sup>61</sup> If the Secretary of State agrees, the UK Government may prevent the application of the EU legal provisions in NI which amend or replace measures in Annex 2.<sup>62</sup> The NIHRC and the ECNI have called for equality and human rights

---

<sup>57</sup> Article 6(1), Treaty on European Union.

<sup>58</sup> 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).

<sup>59</sup> Directive 2006/42/EC, 'EU Parliament and Council Directive on machinery, and amending Directive 95/16/EC (recast)', 17 May 2006.

<sup>60</sup> Equality Commission for NI and Northern Ireland 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).

<sup>61</sup> This mechanism would be triggered by the UK Government under a process outlined in Windsor Framework Article 13(3)(a) and pursuant to the Windsor Framework (Democratic Scrutiny) Regulations 2024.

<sup>62</sup> See, for example, Letter from the Secretary of State for NI, Hilary Benn MP to the Speaker of the NI Assembly, Edwin Poots MLA, 20 January 2025.

considerations to be built into all key stages of the 'Stormont brake' mechanism.<sup>63</sup>

- 3.13 The NIHRC recommends that the UK Government and EU agree and publish a robust and comprehensive framework for considering whether a new measure amends or replaces an existing one and commends the NIHRC's approach in respect of the Annex 1 equality directives for consideration.**
- 3.14 The NIHRC recommends that the Committee urges the UK Government to set out how it will ensure that NI law is updated to reflect those provisions of the EU Pay Transparency Directive and the EU directives on standards for equality bodies which amend or replace Annex 1 Equality Directives.**
- 3.15 The NIHRC recommends that the Committee asks the UK Government to ensure that equality and human rights considerations are built in at all key stages when the 'Stormont brake' or the revised process under Windsor Framework Article 13(4) is engaged and that a human rights compliant approach is prioritised.**

## **4.0 Stakeholder Engagement**

**Question 3: Can formal 'decision-shaping' by non-EU states, under agreements with the EU, deliver real influence over the EU law to which it applies?**

- 4.1 Following the political agreement of the UK Government and EU Commission in 2023 on a new way forward on the Windsor Framework, several engagement structures were enhanced to strengthen the ability of NI civil society stakeholders to influence EU

---

<sup>63</sup> Equality Commission for NI and Northern Ireland 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).

law.<sup>64</sup> These include additional engagement mechanisms under the Specialised Committee on the implementation of the Windsor Framework and the Joint Consultative Working Group, which were designed to facilitate information exchange and provide NI stakeholders with meaningful channels to engage with EU legislation.

- 4.2 The Specialised Committee functions as the primary forum for the technical implementation and governance of the Windsor Framework.<sup>65</sup> This Committee may make recommendations to the UK-EU Joint Committee on its functioning.<sup>66</sup> The Joint Committee takes decisions on the implementation of the Withdrawal Agreement, including amendments to the annexes of EU legislation relevant to NI.<sup>67</sup> The NIHRC, the ECNI and the Joint Committee of the NIHRC and the Irish Human Rights and Equality Commission may also raise any matter of relevance to Windsor Framework Article 2 for the consideration of the Specialised Committee.<sup>68</sup>
- 4.3 Since 2024, the Co-Chairs of the Specialised Committee meet regularly, on an informal basis, with civil society representatives including human rights and equality stakeholders. The Co-Chairs have highlighted the importance of continued joint engagement with NI stakeholders.<sup>69</sup> Regular engagement between the Co-Chairs and civil society organisations in NI continues.<sup>70</sup> These are “valuable engagements in terms of being able to raise issues in a space where both the UK and EU are present”.<sup>71</sup> However, some concerns about the informality of the process have been raised, particularly whether and to what extent issues communicated by civil society stakeholders are relayed for consideration at the UK-EU Joint

---

<sup>64</sup> UK Government and EU Commission, ‘Windsor Political Declaration by the European Commission and the Government of the United Kingdom’, 27 February 2023. The UK Government also produced a Command paper setting out the UK Government’s understanding of what has been agreed. UK Government, ‘The Windsor Framework: a new way forward - CP806’ (UK Gov, 2023).

<sup>65</sup> Article 165, UK-EU Withdrawal Agreement.

<sup>66</sup> Article 14, Windsor Framework.

<sup>67</sup> See Article 164, UK-EU Withdrawal Agreement; Article 13(4), Windsor Framework.

<sup>68</sup> Article 14, Windsor Framework.

<sup>69</sup> UK Government and EU Commission, ‘Press Release: Specialised Committee on the Implementation of the Windsor Framework - Joint Statement’, 3 December 2025.

<sup>70</sup> See Katy Hayward, ‘Supplementary Written Evidence to the House of Lords NI Scrutiny Committee Inquiry on Strengthening NI’s Voice in the Context of the Windsor Framework’ (NISC, 2025).

<sup>71</sup> Centre for Cross Border Cooperation, ‘Submission to the House of Lords NI Scrutiny Committee Inquiry into Strengthening NI’s Voice in the Context of the Windsor Framework’ (CCBC, 2025), at para 8.

Committee meetings.<sup>72</sup> The informality of the engagement of the Specialised Committee with civil society stakeholders “makes it difficult to monitor and assess its effectiveness”.<sup>73</sup> This has led to the NI Scrutiny Committee calling for the UK and the EU to “consider jointly establishing a more formal, co-ordinated civil society platform for Northern Ireland stakeholder engagement” and for “a formal programme of engagement with equality and human rights stakeholders, including the NIHRC and ECNI, ensuring that a wide range of stakeholders are represented”.<sup>74</sup>

- 4.4 In addition, in 2023, the UK and EU committed to establishing “regular engagement with Northern Ireland stakeholders including citizens and businesses, at each level of the Withdrawal Agreement’s structures and with the co-chairs of the Joint Committee”.<sup>75</sup> However engagement with civil society stakeholders in NI by the UK-EU Joint Committee has not been forthcoming.<sup>76</sup>
- 4.5 In addition, in November 2025, the EU Commission held an engagement seminar with NI stakeholders on its 2026 work programme, which highlighted key developments that may be of relevance to NI and the Windsor Framework.<sup>77</sup> The seminar also highlighted how NI stakeholders could engage with specific EU legislative and policy developments through its consultation processes via the ‘Have Your Say’ portal.<sup>78</sup>
- 4.6 Influencing EU decision making on new EU measures requires early engagement with the EU Commission, tracking new measures of relevance and sustained and effective engagement at an early stage. For example, through the European Network of National Human Rights Institutions, national human rights institutions across Europe collaborated to provide human rights recommendations to

---

<sup>72</sup> See Centre for Cross Border Cooperation, ‘Submission to the House of Lords NI Scrutiny Committee Inquiry into Strengthening NI’s Voice in the Context of the Windsor Framework’ (CCBC, 2025).

<sup>73</sup> NI Scrutiny Committee, ‘Northern Ireland after Brexit: Strengthening Northern Ireland’s voice in the context of the Windsor Framework – 1<sup>st</sup> report of Session 2024-26’ (HL, 2025), at para 193.

<sup>74</sup> NI Scrutiny Committee, ‘Northern Ireland after Brexit: Strengthening Northern Ireland’s voice in the context of the Windsor Framework – 1<sup>st</sup> report of Session 2024-26’ (HL, 2025), at paras 195 and 196.

<sup>75</sup> UK Government and EU Commission, ‘Windsor Political Declaration by the European Commission and the Government of the United Kingdom’, 27 February 2023.

<sup>76</sup> NI Scrutiny Committee, ‘Northern Ireland after Brexit: Strengthening Northern Ireland’s voice in the context of the Windsor Framework – 1<sup>st</sup> report of Session 2024-26’ (HL, 2025), at para 148.

<sup>77</sup> EU Commission Work Programme Seminar, 27 November 2025.

<sup>78</sup> EU Commission, ‘Welcome to Have your Say - Public Consultations and Feedback’. Available at: [https://ec.europa.eu/info/law/better-regulation/have-your-say\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say_en)

the EU Commission's White Paper on Artificial Intelligence,<sup>79</sup> and on a common position on the EU Artificial Intelligence Act.<sup>80</sup>

- 4.7 **The NIHRC recommends that the Committee ask the UK Government and EU officials to ensure ongoing, timely and structured engagement with NI civil society including equality and human rights stakeholders, on matters relating to Windsor Framework Article 2. This engagement should include those working on rights and equality on a cross-border basis.**
- 4.8 As noted above, the Joint Consultative Working Group functions as a consultation mechanism which facilitates the provision of information by the EU to the UK on planned EU legislative changes falling within the scope of the Windsor Framework and enables consultation on those proposals.<sup>81</sup> Early engagement increases transparency and allows NI stakeholders a chance to scrutinise and react to EU proposals during the EU legislative process and engage at an early stage.
- 4.9 **The NIHRC recommends that the Committee ask the UK Government to provide details about how information on new EU legislative and policy developments of relevance to the Windsor Framework will be shared with NI stakeholders to facilitate the opportunity for engagement with those proposals at an early stage.**
- 4.10 There are clear commitments from the EU to ensure transparency in the development of proposed measures and to engage with NI civil society stakeholders. Further engagement with the EU Commission on substantive proposals will also influence development of EU law and policy which impact on Windsor Framework Article 2. In addition to the formal UK-EU structures, UK parliamentary scrutiny

---

<sup>79</sup> Letter from European Network of National Human Rights Institutions to the EU Commission, dated 30 June 2020.

<sup>80</sup> European Network of National Human Rights Institutions, 'ENNHRI common position on the EU Artificial Intelligence Act' (ENNHRI, 2023).

<sup>81</sup> UK Government and EU Commission, 'Windsor Political Declaration by the European Commission and UK' (UK Gov, 2023), at 3; EU Commission, 'Commission statement on Enhanced engagement with NI stakeholders', 27 February 2023.

offers a vital domestic channel, provided MPs, peers and relevant Committees have early access to adequate information.

4.11 In respect of the Windsor Framework the effectiveness of engagement with the EU is reliant on sufficient awareness of relevant EU developments and analysis of their impact in NI. Prior to its dissolution the House of Commons European Scrutiny Committee conducted in-depth scrutiny of issues relating to the UK's withdrawal from the EU, including matters relating to Windsor Framework Article 2.<sup>82</sup> The UK Government submitted explanatory memoranda on EU proposals which amended or replaced existing measures that fall within the Windsor Framework for consideration by that committee.<sup>83</sup> Relevant EU laws and proposals now fall under the remit of relevant departmental or other committees.<sup>84</sup> Therefore those parliamentary committees will need to ensure that there is appropriate monitoring and scrutiny of proposed new EU measures, including those of relevance to the Windsor Framework, to ensure that opportunities for scrutiny of, and influence over, those new measures are maximised.

**4.12 The NIHRC recommends that the Committee urges the UK Government to undertake and publish early and detailed technical analysis of proposed EU law developments, including those of relevance to Windsor Framework Article 2, to facilitate effective parliamentary scrutiny of those developments.**

**4.13 The NIHRC recommends that the Committee consider whether there is early, detailed and effective scrutiny of proposed EU law developments relevant to the dynamic alignment obligations, including under Windsor Framework Article 2, within the UK parliamentary committee structure.**

---

<sup>82</sup> House of Commons, 'Press Release: European Scrutiny Committee discontinued', 1 August 2024. Available: [European Scrutiny Committee discontinued - Committees - UK Parliament](#)

<sup>83</sup> UK Government, 'Government response to the Sub-Committee on the Protocol on Ireland/Northern Ireland's report Scrutiny of EU legislative proposals within the scope of the Protocol on Ireland/Northern Ireland' (UK Gov, 2022), at para 15; House of Lords European Affairs Committee, '5<sup>th</sup> Report of Session 2021-22 - Report from the Sub-Committee on the Protocol on Ireland/Northern Ireland: Scrutiny of EU legislative proposals within the scope of the Protocol on Ireland/Northern Ireland' (HOL, 2022), at paras 54-60.

<sup>84</sup> House of Commons, 'Press Release: European Scrutiny Committee discontinued', 1 August 2024. Available: [European Scrutiny Committee discontinued - Committees - UK Parliament](#).

## Contact us

Please send any queries to [Eilis.Haughey@nihrc.org](mailto:Eilis.Haughey@nihrc.org)

[www.nihrc.org](http://www.nihrc.org) | [info@nihrc.org](mailto:info@nihrc.org) | +44 (0)28 9024 3987  
4<sup>th</sup> Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

