

CHECK AGAINST DELIVERY

Opening statement by Sinéad Gibney, Chief Commissioner of the Irish Human Rights and Equality Commission.

To be delivered to the Seanad Special Select Committee on the Withdrawal of the UK from the EU
Monday, 24 May 2021

Good morning everyone, I'm Sinéad Gibney, Chief Commissioner for IHREC, the Irish Human Rights & Equality Commission. IHREC is Ireland's independent national human rights institution and the national equality body. I'm joined today by Les Allamby and Geraldine McGahey who are the Chief Commissioners respectively for the Northern Ireland Human Rights Commission and the Equality Commission of Northern Ireland. In Northern Ireland there are two separate national bodies for human rights and equality, whereas here we are a merged institution, following the merger of our two legacy bodies in 2014.

We've coordinated our opening remarks today to maximise the time we have with you and leave plenty of opportunity for your questions. I will give you some background to the three organisations and some details of the work we're doing around Brexit, particularly as the Joint Committee of the two human rights organisations. Geraldine will then cover the establishment of the Dedicated Mechanism through Article 2 of the Northern Ireland Protocol, and the all-island dimension of our work. She'll also talk about the importance of non-diminution of rights and keeping pace. Les will then focus in more on today's agenda of citizen's rights, including freedom of movement, cross-border issues and citizenship.

Our three organisations, and I'm including here the legacy bodies that preceded the IHREC merger, are all around twenty years old. We are a great example of North-South cooperation with good relationships enjoyed between all three organisations. IHREC and the ECNI were founding members of Equinet, the European network of equality bodies, and we've worked together on equality issues over the years. And IHREC has a more formal cooperative arrangement with the NIHRC rooted in the Belfast Good Friday Agreement.

As you may know, that Agreement laid the groundwork in 1998 for the establishment of new Human Rights Commissions in both Northern Ireland and the Republic of Ireland. It set out the

importance of maintaining existing rights and protections, bringing the standards of rights to an equivalent level, and building on those into the future. The agreement also established a Joint Committee of the two Human Rights Commissions, to foster collaboration and cooperation between the two organisations.

The first official meeting of the Joint Committee took place in November 2001 and it has since then been an important forum for ongoing engagement and collaboration on human rights issues across the island.

In recent years the Joint Committee has had a particular focus on the human rights and equality implications of Brexit. The equality and human rights framework which underpinned the 1998 Agreement had of course assumed both countries continuing common membership of the European Union.

Following the 2016 UK referendum to withdraw UK membership, both Commissions agreed that this potentially created significant risks for rights protection and for the effective functioning of the 1998 Agreement. The Joint Committee identified the following six priorities for ensuring the ongoing protection of rights on the island of Ireland:

- Ensure commitment to ‘no diminution of rights’ is evident and enforceable in the final Withdrawal Agreement
- Safeguard North-South equivalence of rights on an ongoing basis
- Guarantee equality of citizenship within Northern Ireland
- Protect border communities and migrant workers
- Ensure evolving justice arrangements comply with commitment to non-diminution of rights and
- Ensure continued right to participation in public life for EU citizens in Northern Ireland

The Joint Committee has addressed these concerns in a series of publications including our March 2018 “Policy statement on the United Kingdom withdrawal from the European Union” and important discussion papers and research studies on:

- Brexit [“Discussion Paper on Brexit “ , 2018]
- the Common Travel Area [“Discussion Paper on the Common Travel Area”, 2018]
- Justice Arrangements [“Evolving Justice arrangements post- Brexit “, 2019]
- EU Citizenship Rights [“Continuing EU Citizenship ‘Rights, Opportunities and Benefits’ in Northern Ireland after Brexit”, 2020]

- and the Birthright provisions of the Good Friday Agreement [“Legal Analysis of Incorporating into UK Law the Birthright Commitment under the Belfast (Good Friday) Agreement 1998”, 2020]

In progressing this work, the Joint Committee engaged with policy makers and civil society in Ireland and Northern Ireland, with both governments, and with the European Commission’s Article 50 Taskforce. Through both the Joint Committee and now the Dedicated Mechanism, which unites us with the Equality Commission, we will continue this work.

There are significant issues which on an all island basis we need to be mindful of as the relationship evolves between the UK and the EU:

- Those frontier workers and migrant workers whose livelihoods are dependent on the free flow of people and clear and consistent employment practices.
- Those accessing cross-border services, for example childcare and healthcare.
- Those who may have their traditional ways of life challenged, including Traveller and Roma communities.

My colleagues will go into more detail on some of those in their comments. The reality is that Covid-19 and the restrictions that are only now beginning to ease have masked the immediate consequence of Brexit. As lives and movement return to normal, we will start to see more of the real impact it has had on rights and equality.

We’re committed to doing all we can as the human rights and equality body for our jurisdiction, working closely with the Commissions in Northern Ireland and with civil society, to protect and promote rights and equality for everyone on the island of Ireland. Thank you, I look forward to discussion and I’ll now hand over to Geraldine.

ENDS