

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Submission to the Committee for Justice's Call for Evidence on the Victims and Witnesses of Crime Bill

October 2026

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Summary of Recommendations

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2.17 **The NIHRC recommends the establishment of the Hate Crime Advocacy Service on a statutory footing. Specialised advocates to support victims with any or all protected characteristics, including those that might be included, should be available.**

3.10 **The NIHRC recommends that the impact of the amendments if enacted are monitored closely. Thereafter, the data relating to the use of the power should be reported publicly.**

4.16 **The NIHRC recommends that the Committee of for Justice seeks clarification from the Department of Justice on arrangements for the appointment and funding of legal representatives in proceedings related to Clause 26. In addition, the Committee should explore with the Department how the effectiveness of the procedures will be monitored and whether the views of victims will be sought to determine if the procedure is meeting its stated objectives.**

4.17 **The NIHRC further recommends that the Committee for Justice seeks clarity from the Department of Justice regarding how it intends to ensure that all complainants are made aware of their ability to avail of the provisions under Clause 26 of the Bill once it is enacted.**

1.0 Introduction

1.1 The Northern Ireland Human Rights Commission (NIHRC), pursuant to sections 69(1), 69(3) and 69(4) of the Northern Ireland (NI) Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in NI. The NIHRC is also required under section 78A(1), 78A(5) and 78A(6) to monitor the implementation of Article 2(1) of the Windsor Framework.[1] In accordance with these functions, the NIHRC provides this advice on the Victims and Witnesses of Crime Bill (the draft Bill) and refers to the version as introduced to the NI Assembly on 22 June 2026.

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 also advises on the 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 as a result of the UK's withdrawal from the EU. The UK-EU Withdrawal Agreement, including the Windsor Framework, is binding under international law and given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. 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 Committee for Justice's call for evidence on the Victims and Witnesses of Crime Bill. The following advice focuses on Clauses 24 to 26 of the draft Bill, setting out relevant human rights standards and the enduring relevance of EU Victims' rights protections under Windsor Framework Article 2. To assist the Committee, section five of this submission sets out the rationale for the

[1] 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) (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 framework).

NIHRC's advice on the relevance of Windsor Framework Article 2 in light of the recent UK Supreme Court judgment in *Dillon*.[2]

2.0 Clause 24 - Special measures in cases involving aggravation by hostility

2.1 Clause 24 of the Bill amends the Criminal Evidence (NI) Order 1999 to state that:

> (1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows.
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> (2) In Article 3 (meaning of "sexual offence" and other references to offences), after paragraph (1A) insert—
>
> > "(1B) In this Order "an offence involving aggravation by hostility" means an offence of any kind in respect of which an allegation that the offence is aggravated by hostility is specified alongside the charge of the offence in accordance with section 33(1) of the Criminal Justice (Sentencing etc) Act 2027.".
>
> (3) In Article 5(5) (offences where witnesses are eligible for assistance with giving evidence), after sub-paragraph (d) add—
>
> > "(e) an offence involving aggravation by hostility (see Article 3(1B)).".[3]

2.2 Clause 24 of the Bill defines an offence involving aggravation by hostility and extends the eligibility for assistance with giving evidence for witnesses in offences involving aggravation by hostility.[4]

2.3 International human rights standards are clear on the requirement for a victim-centred approach to justice. By way of example, the UN Convention on the Elimination of Racial Discrimination (UN CERD) Committee recommends that States ensure that the criminal justice system "treats the victims of racial discrimination without discrimination or prejudice, while respecting their dignity, through ensuring in particular that hearings,

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[2] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15.
[3] Clause 24, Victims and Witnesses of Crime Bill.
[4] Clause 24, Victims and Witnesses of Crime Bill.

questioning or confrontations are carried out with the necessary sensitivity as far as racism is concerned".[5]

2.4 The UN Convention on the Elimination of Discrimination Against Women Committee (UN CEDAW) recommends that:

> all measures should be implemented with an approach centred around the victim/survivor, acknowledging women as right holders and promoting their agency and autonomy, including the evolving capacity of girls, from childhood to adolescence. In addition, the measures should be designed and implemented with the participation of women, taking into account the particular situation of women affected by intersecting forms of discrimination.[6]

2.5 The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims state that:

> victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.[7]

2.6 The ECHR, incorporated directly into NI law, is legally binding on all public authorities. Article 3 (freedom from torture and inhumane or degrading treatment or punishment) and Article 8 (respect for private and family life including bodily integrity) create positive legal obligations to "safeguard an individual's physical integrity".[8] The ECtHR has held that secondary victimisation can constitute a violation of the physical and moral integrity element of the right to a private life.[9]

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[5] 'UN CERD Committee, 'General Recommendation 31: Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System', 2005, at para 19(b).
[6] CEDAW/C/GC/35, 'UN CEDAW Committee General Recommendation No 35: Gender Based Violence against Women,' 26 July 2017, at para 27.
[7] UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, at para 10.
[8] *X v Cyprus* (2025) ECHR 57, at para 105.
[9] *Y v Slovenia* (2015) ECHR 519, at 108. See also *JL v Italy* (2021) ECHR 444, at para 128.

2.7 Additionally, Article 6 of the ECHR protects the right to a fair trial. This is not an absolute right and elements of a fair trial may be limited under exceptional circumstances. If the right is to be limited, consideration must be given to the "proceedings as a whole having regard to the rights of the defence but also to the interests of the public and the victims that crime is prosecuted and, where necessary, to the rights of witnesses".[10] In relation to special measures for victims of serious crimes, the ECtHR has found that "article 6 does not grant the accused an unlimited right to secure the appearance of witnesses in court. It is normally for the national courts to decide whether it is necessary or advisable to call a witness".[11]

2.8 The EU Victims' Directive (2012) establishes minimum standards for the rights, support and protection of victims of crime, including victims' rights in criminal proceedings. It does so without prejudice to the rights of the defence.[12] The continued relevance of the EU Victims' Directive to NI is outlined in section five of this submission.

2.9 In his review of hate crime legislation, Judge Marrinan, emphasised that the EU Victims' Directive (2012) includes "[g]ender, gender expression, gender identity and sexual orientation" in its preamble as suggested protected characteristics.[13] While the inclusion of these characteristics is not binding under the EU Directive, Judge Marrinan noted that "transgender identity requires protection", noting that it is already protected in Scotland and in England and Wales and that it is important, where possible, to offer similar levels of protection to groups throughout the UK.[14]

2.10 The NIHRC remains concerned that the special measures provided under Clause 24 of the Bill to support victims in cases involving aggravation by hostility can only be offered to those within such a limited list of protected characteristics. Clause 33(1)(a)-(d) of the Criminal Justice (Sentencing etc.) Bill provides that an offence can only be aggravated by religious hostility, racial hostility, hostility related to sexual orientation or hostility

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[10] *Al-Khawaja and Tahery v UK* (2011) ECHR 2127, at para 118.
[11] *Aigner v Austria* (2012) ECHR 827, at para 36.
[12] Articles 7(2), 18, 20 and 23(1), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[13] Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at para 7.128; Recital 9, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[14] Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at para 7.131.

related to disability.[15] The NIHRC has previously outlined its concerns that other immutable characterises are not protected.[16]

2.11 The NIHRC refers the Committee to its advice on the Criminal Justice (Sentencing etc) Bill wherein it called on the Committee to ensure that all protected characteristics are recognised within the law and protected in practice.[17]

2.12 **The NIHRC recommends that the Committee for Justice refers to the NIHRC's previous advice on the Criminal Justice (Sentencing etc) Bill which should be read together with this advice, noting that the two legislative frameworks are directed at similar harms.**

2.13 The NIHRC considers that the EU Victims' Directive (2012) and EU Human Trafficking Directive (2011) continue to set minimum standards in NI as it bound the UK before Brexit and protects rights falling within the ambit of the Rights Safeguards and Equality of Opportunity (RSEO) chapter of the Belfast (Good Friday) Agreement 1998, which includes commitments to civil rights, equality and victims of crime. The EU Victims' Directive (2012) requires measures to be made available to support victims with special protection needs[18] due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.[19] This should include measures to avoid visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology.[20] The EU Human Trafficking Directive (2011) provides similar protections against visual contact between victims and defendants[21] and requires that victims are not subjected to unnecessary repetition of interviews during investigation, prosecution or trial.[22] The enduring relevance of Windsor Framework Article 2 and both EU Directives to the protection of victims in NI is outlined in section five of this submission.

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[15] Clause 33(1)(a)-(d), Criminal Justice (Sentencing etc) Bill.
[16] Northern Ireland Human Rights Commission, 'Submission to the Committee for Justice's Call for Evidence on the Criminal Justice (Sentencing etc) Bill' (NIHRC, 2026), at paras 2.24 – 2.57.
[17] Northern Ireland Human Rights Commission, 'NIHRC Submission to the Committee for Justice's Call for Evidence on the Criminal Justice (Sentencing etc) Bill' (NIHRC, 2026), at paras 2.28 – 2.32.
[18] Article 23(3), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[19] Article 22(1), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[20] Article 23(3)(a), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[21] Article 12(4)(b), Directive 2011/36/EU, 'EU Parliament and Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011.
[22] Article 12(4)(a), Article 12 (4)(b), Directive 2011/36/EU. 'EU Parliament and Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011.

2.14 In his review of Hate Crime legislation in NI, Judge Marrinan recommended that:

> Complainants in criminal proceedings involving the proposed aggravated offences or stirring up offences should automatically be eligible for consideration of special measures when giving evidence, including the use of live links or screens.[23]

2.15 The CoE Committee of Minister's Recommendation to Member States on combating hate crime issues stipulates that "member States should provide civil society organisations with appropriate funding and resources in order that they can provide, as necessary, local, targeted and specialised support to victims of hate crime".[24]

2.16 The Hate Crime Advocacy Service currently provides tailored support for victims of hate crime, including supporting victims as they move through the criminal justice system.[25] The Hate Crime Advocacy Service has not been placed on a permanent statutory footing. The NIHRC agrees with Judge Marrinan that it would benefit victims and better meet the State's human rights obligations if it were.

2.17 **The NIHRC recommends the establishment of the Hate Crime Advocacy Service on a statutory footing. Specialised advocates to support victims with any or all protected characteristics, including those that might be included, should be available.**

3.0 Clause 25 – Cross-Examination

3.1 Clause 25 amends the Criminal Evidence (NI) Order 1999 to add persons charged with an offence involving aggravation by hostility, to those who are prevented from cross examining complainants, in person.[26]

3.2 Section 26 of the Criminal Evidence (NI) Order 1999 provides for circumstances in which a defendant has been prevented from cross examining complainants, in person. In circumstances where the defendant

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[23] Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at Recommendation 24.
[24] CM/Rec(2024)4, 'CoE Committee of Ministers Recommendation to Member States on Combatting Hate Crime', 7 May 2024, at para 64.
[25] Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at para 160.
[26] Clause 25, Victims and Witnesses of Crime Bill.

has not appointed a legal representative for the purposes of cross examining a witness, the Court must determine "whether it is necessary in the interests of justice for the witness to be cross-examined by a legal representative appointed to represent the interests of the accused".[27] Where the Court deems it necessary to cross-examine a witness, "the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the accused".[28]

3.3 Clause 25 means offences involving aggravation by hostility are treated in the same way as domestic abuse offences, sexual offences, stalking offences and offences against children. This was recommended by Judge Marrinan in his Review of Hate Crime Legislation in NI.[29] The NIHRC agrees.

3.4 Human rights standards are clear that an effective remedy and access to justice require a victim-centred approach.[30] The rights of victims who may experience secondary victimisation by the criminal justice system engages Article 3 and Article 8 of the ECHR. The ECtHR has held that violation of articles 3 and 8 were present in one case where a victim was subjected to cross examination by a defendant.[31]

3.5 The EU Victims' Directive (2012) requires the State to ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying.[32] This should include measures to avoid contact between victims and their family members and the offender within courts[33] and visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology.[34] The

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[27] Section 26(3)(b), the Criminal Evidence (NI) Order 1999.
[28] Section 26(4), the Criminal Evidence (NI) Order 1999.
[29] Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), paras 172- 173.
[30] CRPD/C/GBR/CO/1, 'UN CRPD Committee Concluding Observations on the Initial Report of the United Kingdom of Great Britain and Northern Ireland', 29 August 2017, at para 19; 'UN CERD Committee General Recommendation 31: Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System', 2005, at para 19(b); CEDAW/C/GC/35, 'UN CEDAW Committee General Recommendation No 35: Gender Based Violence against Women,' July 2017, at para 28; UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, at para 10.
[31] *Y v Slovenia* (2015) ECHR 519.
[32] Article 18, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[33] Article 19, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[34] Article 23(3)(a), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.

EU Directive requires the State to ensure that, where the victim is a child, their best interests are the primary consideration.[35] It also requires that child victims be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.[36] It provides for additional supportive measures for child victims including that audiovisual interviews with the child may be used as evidence in criminal proceedings.[37] The continued relevance of Windsor Framework Article 2 and the EU Victims' Directive (2012) to the protection of victims of hate crime in NI is outlined in section five of this submission.

3.6 A defendant's right to a fair trial must be taken into account. Article 6 ECHR provides "in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".[38]

3.7 By Article 6 ECHR, a defendant in a criminal process has the right to choose whether to defend themselves in person or through a legal representative.[39] The ECtHR has held that this is not absolute and observed that there will be circumstances where a defendant's right to choose to defend themselves must be limited in the interests of justice.[40] Those decisions, whether to allow or restrict cross-examination in person, will usually fall within the margin of appreciation afforded to State parties.[41]

3.8 Article 6 ECHR requires that a fair and public hearing be held "within a reasonable time", therefore the provision of defence representation for the purposes of cross examination should, as far as possible, avoid a delay in proceedings. It is important, however, to recall that procedures must be fair and consider all relevant factors. Speed alone is not a good reason to limit Article 6 rights.

3.9 The NIHRC welcomes measures under Clause 25 of the Bill, however, there is a careful balance to be struck between the rights of the victim under

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[35] Article 1(2), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[36] Article 22(4), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[37] Article 24(1)(a), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[38] Article 6, European Convention on Human Rights.
[39] Article 6(3)(c), European Convention on Human Rights.
[40] See *Galystan v Armenia* (2007) ECHR Application No 26986/03, at para 91.
[41] *Correia de Matos v Portugal* (2001) ECHR 901.

articles 3 and 8 ECHR and the rights of defendants under article 6 ECHR. Therefore, practical application of the provision must be monitored to ensure it is applied in practice compatibly with the Human Rights Act 1998.

3.10 **The NIHRC recommends that the impact of the amendments if enacted are monitored closely. Thereafter, the data relating to the use of the power should be reported publicly.**

4.0 Clause 26 – Protection of Complainants in Proceedings for Sexual Offences

4.1 Clause 26 proposes amendments to section 51A of the Judicature (Northern Ireland) Act 1978, relating to sexual offence cases in which an application is made to the Crown Court for a witness summons which relates to the complainant, in which he or she could have a reasonable expectation of privacy. It is proposed in the draft Bill that in those circumstances the complainant will be entitled to make oral or written representations to the court, be legally represented and be present at any hearing regarding the application.[42] Similar amendment is proposed to Article 30 of the Criminal Evidence (Northern Ireland) Order 1999.

4.2 There is no doubt that the State and its public authorities have a legal obligation to prevent, investigate, prosecute and punish human rights violations.[43]

4.3 Moreover, the UN Convention Against Torture (UN CAT) Committee has noted that:

> the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the [UN CAT] Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.[44]

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[42] Clause 26, Victims and Witnesses of Crime Bill.
[43] By virtue of the Human Rights Act's incorporation of the ECHR to name one. See also *Rajapaske v. Sri Lanka*, Communication No. 1250/2004, CCPR/C/87/D/1250/2004 (5 September 2006) para 9.3. See also, Article 16, UN CRPD; Principles 5(d) and 29, Yogyakarta Principles.
[44] CAT/C/GC/2, 'UN CAT Committee General Comment No 2: Implementation of article 2 by States parties', 24 January 2008, at para 18.

4.4 The UN CEDAW Committee makes it clear that gender-based violence, including sexual offences, may amount to torture or cruel, inhuman or degrading treatment in certain circumstances.[45] The UN CEDAW Committee has further noted that "discrimination against women, based on … gender-based violence … has an adverse impact on the ability of women to gain access to justice on an equal basis with men".[46]

4.5 The CoE Istanbul Convention requires that victims have the right to legal assistance and free legal aid, under conditions provided by domestic law.[47] It further recognises that the State must take measures to protect the rights and interests of victims in judicial proceedings by "enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered".[48]

4.6 Serious sexual offences obviously engage in the most extreme way, several rights under the ECHR. At the same time, the rights of an alleged perpetrator to a fair trial are critical and must be protected. As noted above, this has a real impact on a number of balancing exercises to be undertaken. The ECtHR has helpfully considered some scenarios which are specifically relevant.

4.7 In *JL v Italy*, for example, the ECtHR observed that certain evidence relating to a victim's credibility, including "previous relationships with one or other of the accused", may have been relevant to the defence.[49] However, in the same case, the ECtHR stated that:

> it does not see how the applicant's family situation, her romantic relationships, her sexual orientation or her clothing choices, or the subject matter of her artistic and cultural activities, could be relevant for assessing her credibility and the criminal liability of the accused. Thus, it cannot be considered that such interference with the applicant's private life and image was justified by the need to ensure that they could enjoy their defence rights.[50]

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[45] CEDAW/C/GC/35, 'UN CEDAW Committee General Recommendation No 35: Gender-Based Violence', 26 July 2017, at para 16.
[46] CEDAW/C/GC/33, 'UN CEDAW Committee General Recommendation No 33: Women's Access to Justice', 3 August 2015, at para 8.
[47] Article 57, Istanbul Convention.
[48] Article 56(1)(d), Istanbul Convention.
[49] *JL v Italy* (2021) ECHR 444, at para 138.
[50] *JL v Italy* (2021) ECHR 444, at para 138.

4.8 On assessing the balance to be struck between Article 6 and Article 8, the ECtHR states "the positive obligations to protect presumed victims of gender-based violence also impose a duty to protect their image, dignity and private life, including through the non-disclosure of personal data and information that are unrelated to the facts".[51]

4.9 The EU Victims' Directive (2012), which is still relevant in for the protection of victims in NI (see section five below), provides that victims have the right to be heard during criminal proceedings and to provide evidence.[52] The EU Directive also provides that victims with specific protection needs should have available to them measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence.[53] An individual's specific protection needs should be determined by an individual assessment[54] which must pay particular attention to:

> […] victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.[55]

4.10 The EU Victims' Directive (2012) requires the state to ensure that, where the victim is a child, their best interests are a primary consideration and must be assessed on an individual basis.[56] It is also a requirement that child victims are presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.[57] It provides for additional supportive measures for child

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[51] *JL v Italy* (2021) ECHR 444, at para 139
[52] Article 10(1), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[53] Article 23 (3)(c), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[54] Article 22(1), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[55] Article 22(3), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[56] Article 1(2), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[57] Article 22(4), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.

victims including that audiovisual interviews with the child may be used as evidence in criminal proceedings.[58]

4.11 In addition, the EU Victims' Directive (2012) provides for the possibility of a hearing without the presence of the public.[59]

4.12 Victims of human trafficking (subject to an individual assessment of the personal circumstances of the victim) should also be protected from unnecessary questioning concerning the victim's private life under the EU Human Trafficking Directive (2011), which is still relevant in NI (see section five below).[60]

4.13 Both the EU Victims' Directive (2012) and the EU Human Trafficking Directive (2011) entitle victims to free legal aid where required.[61]

4.14 The NI Court of Appeal, as has the Court of Appeal of England and Wales, has held that the UK EU Withdrawal Agreement and relevant EU laws protecting victims must be interpreted in accordance with the Charter of Fundamental Rights of the EU (the EU Charter) and general principles of EU law.[62] EU Charter rights relevant to the interpretation of the EU Victims' Directive include Article 1 (human dignity), Article 3 (right to integrity of the person), Article 7 (respect for private and family life), Article 23 (equality between men and women), Article 21 (non-discrimination), and Article 47 (right to an effective remedy and to a fair trial). The continued relevance of Windsor Framework Article 2 and the EU Victims' Directive (2012), EU Human Trafficking Directive (2011) and the EU Charter of Fundamental Rights is outlined in section five of this submission.

4.15 The NIHRC welcomes provisions under Clause 26 to allow for victims of serious sexual offences to make oral and written representations and be legally represented during proceedings concerning disclosure. This is also consistent with the Gillen Review.[63] However, it is unclear whether this

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[58] Article 24(1)(a), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[59] Article 22(3)(d), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[60] Article 12(4)(d), Directive 2011/36/EU, 'EU Parliament and Council Directive on preventing and combating trafficking in human beings and protecting its victims, 5 April 2011.
[61] Article 13, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012; Article 12(2), Directive 2011/36/EU, 'EU Parliament and Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011.
[62] *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 paras 82-92.
[63] Report into the law and procedures in serious sexual offences in NI, 9 May 2019, Sir John Gillen PC.

legal representation will be publicly funded as per the recommendation of the Gillen Review. The NIHRC agrees that provision should be considered.

4.16 **The NIHRC recommends that the Committee of for Justice seeks clarification from the Department of Justice on arrangements for the appointment and funding of legal representatives in proceedings related to Clause 26. In addition, the Committee should explore with the Department how the effectiveness of the procedures will be monitored and whether the views of victims will be sought to determine if the procedure is meeting its stated objectives.**

4.17 **The NIHRC further recommends that the Committee for Justice seeks clarity from the Department of Justice regarding how it intends to ensure that all complainants are made aware of their ability to avail of the provisions under Clause 26 of the Bill once it is enacted.**

Divergence of Victims' Rights on the Island of Ireland

4.18 The Committee may wish to consider the fact that the EU Victims' Directive (2012) was updated in 2026 to strengthen protections for victims. It provides for measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence, including the victim's sexual orientation, gender, including gender identity, or past sexual conduct.[64]

4.19 In addition, the EU Victims' Directive (2026) requires the State to provide victims with emotional support and practical information on court premises,[65] protect a victim's personal data (address and contact details) from the offender,[66] and inform victims of the protection options available to them including barring, restraining or protection orders and the

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[64] Article 1(16)(c), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 replaces Article 23(3)(c), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[65] Article 1(8), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 amends Chapter II, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[66] Article 1(14)(b), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 amends Article 21, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.

possibility to seek the cross-border recognition of protection orders.[67] Under the updated EU Directive, assessment of a victim for the purpose of identifying their needs should now take into account intersectional grounds of discrimination,[68] the repetitive nature of the crime,[69] specific needs of the victim's family members,[70] and the risks emanating from the offender[71] including links to organised crime groups, and expression of hate speech, among other factors.[72]

4.20 These increased protections will apply in Ireland from July 2028[73] and may have implications for the rights of cross-border victims of crime and for the divergence of rights on the island of Ireland, which the NIHRC is required to monitor and to advise upon.[74]

4.21 In 2024, the EU Directive on Combating Violence against Women and Domestic Violence was adopted.[75] That EU Directive provides for specialist support for victims of sexual harassment at work[76] and for those with supervisory functions in the workplace to receive training on how to recognise, prevent and address sexual harassment at work.[77] As the EU Directive notes, it is because sexual harassment at work is considered as a form of sex discrimination under the EU Gender Equality Directives that

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[67] Article 1(16)(d), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 amends Article 23, Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[68] Article 1(15)(b), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 replaces Article 22(2), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[69] Article 1(15)(b), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 replaces Article 22(3), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[70] Article 1(15)(b), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 replaces Article 22(3), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[71] Article 1(15)(b), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 replaces Article 22(2), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[72] Article 1(15)(b), Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026 replaces Article 22(3), Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[73] Article 2, Directive 2026/1472/EU, 'EU Parliament and Council Directive amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', 30 June 2026.
[74] Article 2(2) and 14, Windsor Framework; Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity, at paras 9-10.
[75] Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 24 May 2024.
[76] Article 28, Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 24 May 2024.
[77] Article 36(6), Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 24 May 2024.

the State must provide specialist support for victims of such harassment.[78] The EU Gender Equality Directives[79] fall within Annex 1 of the Windsor Framework.

4.22 The NIHRC suggests that the Committee asks the Department of Justice along with other NI Executive departments to carefully consider the provisions of the EU Combating Violence against Women and Domestic Violence Directive to establish whether they provide best practice for protection of victims and prevention of violence against women and domestic violence. The EU Directive must be transposed in Ireland by June 2027.[80] The Executive may wish therefore to consider voluntary alignment with provisions that improve protections afforded to women and girls and anyone affected by domestic violence and/or mitigate divergence of rights on the island of Ireland.

5.0 Windsor Framework Article 2

5.1 Windsor Framework Article 2 requires the UK Government and NI Executive to ensure that there is no diminution of rights, safeguards or equality of opportunities contained in the relevant part of the Belfast (Good Friday) Agreement 1998, because of the UK's withdrawal from the EU.

5.2 Articles 2 and 13 of the Windsor Framework require that NI law dynamically aligns or "keeps pace" with any improvements to minimum standards of equality protection enshrined in six EU Equality Directives listed in Annex 1 to the Windsor Framework. For other EU obligations, the UK Government and NI Executive's commitment is measured by the relevant EU standards as they were on 31 December 2020.[81]

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[78] Recital 65, Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 24 May 2024.
[79] 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 (Recast)', 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.
[80] Article 49, Directive 2024/1385/EU, 'EU Parliament and Council Directive on combating violence against women and domestic violence', 24 May 2024.
[81] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 128.

5.3 The relevant EU laws protecting victims' rights in the context of this Bill are the EU Victims' Directive (2012)[82] and the EU Human Trafficking Directive (2011).[83]

5.4 The EU Victims' Directive (2012) establishes minimum standards for the rights, support and protection of victims of crime, including procedural rights in criminal proceedings. The Directive was transposed into NI law via the Victim Charter in 2015.[84]

5.5 The EU Human Trafficking Directive (2011) establishes minimum standards for the protection, support, and rights of victims of human trafficking. Court judgments have established that the EU Human Trafficking Directive can fall within scope of Windsor Framework Article 2.[85]

5.6 In the UK Supreme Court judgement in *Dillon* the court considered the scope and effect of Windsor Framework Article 2 as well as the relevance of the EU Victims' Directive (2012) to the protection of victims in NI.[86] To assist the Committee, the NIHRC has outlined those parts of the Court's ruling that are relevant to the understanding of minimum human rights standards in relation to the Victims and Witnesses of Crime Bill.

Victims' rights within scope of Article 2 Windsor Framework

5.7 The NIHRC considers that the EU Victims' Directive (2012) continues to set minimum standards in NI, since it bound the UK before Brexit and protects rights falling within the ambit of the RSEO chapter of the Belfast (Good Friday) Agreement. The RSEO chapter includes specific commitments to civil rights, equality and victims of crime.[87]

5.8 The UK Supreme Court in Dillon observed that Windsor Framework Article 2 may create enforceable rights in conjunction with EU measures falling "within the ambit" of the RSEO chapter, where a clear and precise

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[82] Directive 2012/29/EU, 'Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012.
[83] Directive 2011/36/EU, 'EU Parliament and Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011.
[84] Part 4 and Schedule 3, Justice Act (NI) 2015.
[85] *In the matter of an application by the Northern Ireland Human Rights Commission and JR295 for Judicial Review* [2024] NIKB 35, at para 175 (iii). The Government's appeal before the Court of Appeal has been stayed since 2024.
[86] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15.
[87] Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity, at paras 1, 11 and 12.

obligation can be identified in EU law as outlined below.[88] However, the UK Supreme Court in *Dillon* did not define the ambit of the RSEO chapter. Instead, it considered only three paragraphs of the RSEO chapter, in relation to only two provisions of the EU Victims' Directive (2012) - Articles 11 and 16. That was the limit of the submission put to the UK Supreme Court by the respondents.[89]

5.9 The Court held that 'civil rights' in paragraph 1 of the RSEO chapter "refer at a general level to civil and political rights" and do not cover the rights in EU Victims' Directive Article 11 (right to a review of a decision not to prosecute) or Article 16 (right to compensation).[90]

5.10 The Court further held that paragraph 12 of the RSEO chapter (the right of victims to remember as well as to contribute to a changed society) did not cover rights under Articles 11 or 16 of the EU Victims' Directive.[91]

5.11 Importantly, however, the Court observed it was arguable that paragraph 11 of the RSEO chapter[92] does cover the relevant rights in the EU Victims' Directive (2012). The Court did not need to decide the point since it had already concluded there was no diminution of rights in the particular instance outlined in *Dillon*.[93]

5.12 Further, the Court stated that it was unnecessary to determine whether Articles 11 and 16 of the EU Victims' Directive (2012) were capable of securing enforceable rights in individual cases, rather than in respect of prosecution policy more generally. In the latter the Court held that it did not secure enforceable rights.[94]

5.13 Some aspects of the NI Court of Appeal judgment, which held that provisions of the EU Victims' Directive (2012) could fall within the notion of victims' rights protected under Windsor Framework Article 2, were not

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[88] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 116, 118 and 125.
[89] Directive 2012/29/EU, 'EU Parliament and Council Directive Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime', 25 October 2012. Article 11 provides for the right of a victim of crime to seek a review of a decision not to prosecute. Article 16 deals with the right to compensation. *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 130.
[90] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 131.
[91] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 132.
[92] Paragraph 11, RSEO chapter states: "The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation …" (Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity).
[93] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at paras 133 and 136.
[94] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at paras 133 and 137.

specifically overturned.[95] The EU Victims' Directive (2012) has therefore not been held to fall outside the ambit of the RSEO chapter.[96]

ECHR rights relevant to Windsor Framework Article 2

5.14 Subject to any future consideration by the courts, the NIHRC is of the view that the full range of ECHR rights fall 'within the ambit' of the RSEO chapter of the Belfast (Good Friday) Agreement. That is because there is a clear and specific commitment in paragraph 2 of the RSEO chapter to incorporate fully the ECHR into UK law. The NIHRC also considers that the EU Victims' Directive (2012) is within the scope of Windsor Framework Article 2 on the same basis. Court decisions have held that ECHR rights do fall within the ambit of the RSEO chapter.[97] Those judgments remain the authority on this point, which was not considered by the UK Supreme Court in *Dillon*.[98]

5.15 The ECtHR has recognised and included victims' rights when considering specific articles of the ECHR such as Article 2 (the right to life),[99] Article 3 (freedom from torture, inhuman and degrading treatment),[100] Article 4 (freedom from slavery and forced labour)[101] and Article 8 (right to a private and family life, including bodily integrity).[102] The EU Victims' Directive (2012) contains provisions which underpin ECHR rights that were in place before the end of the relevant transition period.[103]

Direct effect

5.16 The UK Supreme Court found that Windsor Framework Article 2, read together with provisions in the equality directives specified in Annex 1, is

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[95] *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 117 to 118.
[96] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at paras 133 and 137. While the range of rights protected by Windsor Framework Article 2 hinges upon what is deemed to fall "within the ambit" of the RSEO chapter, the court did not define the ambit of the chapter. See *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 125.
[97] *In the Matter of an Application by the Northern Ireland Human Rights Commission and JR295 for Judicial Review* [2024] NIKB 35, at para 70; *Martina Dillon and Others v Secretary of State for NI* [2024] NICA 59, at paras 117, 119 and 125.
[98] Northern Ireland Human Rights Commission, 'Submission to the Northern Ireland Scrutiny Committee Inquiry on Article 2 of the Protocol/Windsor Framework' (NIHRC, 2026). The Court made reference to ECHR rights in the context of considering the connection between ECHR rights and rights in the EU Charter of Fundamental Rights. See *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 147.
[99] *Osman v the United Kingdom* (1998) ECHR 101, at paras 115-116.
[100] For example, *Levchuk v Ukraine*, Application No 17496/19, 3 September 2020; *Bevacqua and S v Bulgaria*, Application No 71127/01; *A v Croatia*, Application No 55164/08, 14 January 2011.
[101] *Rantsev v Cyprus and Russia* (2010) ECHR 22, at para 284.
[102] For example, *Milićević v. Montenegro*, Application No 27821/16, 6 November 2018; *Nitecki v. Poland* (2002) ECHR 21; *Sentges v. the Netherlands*, Application No 27677/02, 8 July 2003.
[103] The transition period ended on 31 December 2020.

capable of giving direct effect.[104] The Court also found that Article 2 is capable of direct effect in conjunction with other EU law instruments, subject to the *Demirel* criteria that the obligation imposed is sufficiently clear, precise and unconditional, and within the ambit of the RSEO chapter.[105]

5.17 The Court refers, for example, to the "high level of generality" in respect of the commitment to civil rights and paragraphs 11 and 12 of the RSEO chapter but found them to be "too general to give rise to any directly enforceable rights in relation to inquests, civil proceedings or prosecutions".[106] However, it must also be noted that the Court returns to consider paragraphs 11 and 12 and reads them together with the EU Victims' Directive. When it does, it does not rule out the direct effect of Article 2 when read with paragraph 11 of the RSEO chapter and the specified provisions of the EU Victims' Directive.[107] This is a point that remains open to further interpretation.

Sectarian conflict

5.18 The NIHRC is concerned that references in the *Dillon* judgment to sectarian conflict and the apparent link between that as the backdrop to the RSEO chapter of the Belfast (Good Friday) Agreement, is ambiguous at best. For the reasons set out below, the NIHRC advises strongly against interpreting those statements as confining the protection of Windsor Framework Article 2 to persons affected by harms resulting from the conflict.

5.19 The judgment in *Dillon* states, in relation to paragraph 1 of the RSEO chapter, that "the rights listed with bullet points are all concerned with ending sectarian conflict".[108] In the context of a case centring on the legacy of the conflict, this could be read as an acknowledgement that the commitments to human rights in the relevant chapter were part of the response to sectarian conflict, before the judgment goes on to consider whether the legacy-related rights in that case were covered and /or diminished. Though the Court did not elaborate, the Secretary of State for NI stated in Parliament that "The Supreme Court's judgment has …confirmed the Government's long-standing position that the rights

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[104] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 118.
[105] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 125.
[106] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 114.
[107] *In the Matter of an Application by Martina Dillon and others for Judicial* Review [2026] UKSC 15, at para 130-133.
[108] *In the Matter of an Application by Martina Dillon and others for Judicial Review* [2026] UKSC 15, at para 119. See also para 131.

protected by Article 2 of the Windsor Framework are those concerned with ending the sectarian conflict in Northern Ireland".[109] The NIHRC disagrees and suggests such an interpretation is contrary to the ordinary meaning of the RSEO chapter, the object and purpose of the Belfast (Good Friday) Agreement and Windsor Framework Article 2. This is likely to require further exploration and interpretation.

5.20 The NIHRC has outlined its concerns with this interpretation in detail elsewhere.[110] In brief, such a reading of the judgment appears to be incompatible with the clear language of the Belfast (Good Friday) Agreement, including the future-facing, specific and unlimited commitment to the civil rights and religious liberties of "everyone in the community"[111] and the Declaration of Support which promises a "new beginning" based on the "vindication of the human rights of all". For example, it contains protections on grounds of gender and disability, which do not lend themselves to restriction to a Troubles related context. Moreover, such interpretation approach takes no account of the foundational principles of universality of human rights; the living instrument doctrine; and the rule of law principle that everyone is equal before the law. Such an interpretation appears to us to be untenable given the clear text of Windsor Framework Article 2, including its reference to EU equality directives in Annex 1. It is our view that a conflict-related restriction on their application is contrary to the commitment in the UK-EU Withdrawal Agreement.[112]

[109] UK Parliament Hansard, 'Oral Statement: Supreme Court *Dillon* Judgment – Secretary of State for NI, Hilary Benn MP', 14 May 2026.
[110] NIHRC, 'Submission the Northern Ireland Scrutiny Committee Inquiry on Article 2 of the Protocol/Windsor Framework' (NIHRC, 2026), at para 4.15 - 4.20.
[111] Belfast (Good Friday) Agreement, 10 April 1998, Part 6 on Rights, Safeguards and Equality of Opportunity, at para 1.
[112] Article 4, UK EU Withdrawal Agreement.

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