



**Joint NIHRC / ECNI Briefing Paper on the
Modern Slavery and Human Trafficking
and Electronic Travel Authorisation
provisions in the
Nationality and Borders Bill**

27 January 2022

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Recommendations

- 3.6** The Commissions recommend that the House of Lords amend the Nationality and Borders Bill to remove Northern Ireland from the extent of Clause 67, to avoid potential breach of the “no-diminution” commitment under Article 2 of the Ireland/Northern Ireland Protocol.
- 4.8** The Commissions recommend that the ‘extent’ provisions at Clause 82 in the Bill be amended to exclude Northern Ireland from the operation of Clauses 57, 58, 60, 61, 62 and 67, in order to ensure no diminution of the rights of victims of trafficking in Northern Ireland and to avoid potential breach of Protocol Article 2 in this regard.
- 4.10** The NIHRC recommends that the House of Lords enquire what consideration was given to the needs of child victims of modern slavery and human trafficking and how the best interests principle will be ensured.
- 5.9** The NIHRC recommends that Clause 71 (Electronic Travel Authorisation) is amended to provide a mechanism for timely review and/or appeal.
- 5.10** The NIHRC recommends that that all journeys into Northern Ireland, that originate from Ireland, should be exempt from ETA requirements.
- 6.2** The Commissions recommend that the House of Lords enquire what consideration was given to Protocol Article 2 in the development of this legislation, and recommend that Article 2 should be considered and complied with throughout its implementation and the development of regulations and guidance.
- 6.3** The Commissions recommend that no provision made in or under the Bill, insofar as it extends to Northern Ireland, should be inconsistent with Protocol Article 2.
- 6.4** The Commissions recommend that the House of Lords request that Explanatory Notes accompanying the Nationality and Borders Bill indicate what consideration has been given to compliance with Protocol Article 2 and provisions which engage it.

Introduction

- 1.1 The Northern Ireland Human Rights Commission (the NIHRC) pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). The NIHRC, in partnership with the Equality Commission of Northern Ireland (ECNI), pursuant to section 78A(1) and 79B(1) of the Northern Ireland Act 1998, monitors the implementation of Article 2(1) of the Protocol on Ireland/Northern Ireland (Protocol Article 2) in the EU Withdrawal Agreement.
- 1.2 The NIHRC has responded to the call for evidence by the Joint Committee on Human Rights (the JCHR), by submission which identified a number of concerns about the provisions of the Bill.¹ Those concerns extended beyond Northern Ireland. This briefing focuses on those issues that affect Northern Ireland specifically. This submission is made jointly between the NIHRC and ECNI (the Commissions), with some recommendations being made specifically by NIHRC in line with the Commissions' respective remits.

2.0 Protocol Article 2

- 2.1 Protocol Article 2(1) states:

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

- 2.2 Protocol Article 2 means that the UK Government must ensure there is no diminution of rights, safeguards and equality of opportunity, as set out in the relevant chapter of the Belfast (Good Friday) Agreement 1998, resulting from

¹ NI Human Rights Commission, 'Response to Call for Evidence by the Joint Committee on Human Rights on the Nationality and Borders Bill', (NIHRC, 2021), at 22.

the UK's withdrawal from the EU. That is a non-exhaustive list of rights, which includes the right of victims to remember, as well as to contribute to, a changed society.²

- 2.3 Protocol Article 2 includes a commitment to 'keep pace' with EU law developments falling within the six EU Equality Directives listed in Annex 1 to the Protocol.³ That means that if the minimum standards in the Annex 1 Directives are updated or replaced, the UK Government must ensure that domestic legislation in Northern Ireland reflects any substantive enhancements in relevant protections.⁴
- 2.4 In addition to the six Directives, there is other relevant EU law that underpins rights set out in the relevant chapter of the Belfast (Good Friday) Agreement. The UK Government has identified that these include, but are not limited to, the Victims' Directive; the Parental Leave Directive; and the Pregnant Workers' Directive. The UK Government has committed to ensuring that there will be no diminution of protections as were contained in relevant EU law on 31 December 2020.⁵
- 2.5 The UK has incorporated the Withdrawal Agreement, including the Protocol, into domestic law through the EU (Withdrawal Agreement) Act 2020.⁶ Section 7A EU (Withdrawal) Act 2018 provides that all rights, obligations and remedies from Withdrawal Agreement, including Protocol Article 2, are recognised and available in domestic law. The Commissions have been given additional powers

² Belfast (Good Friday) Agreement 1998.

³ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC; Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

⁴ Northern Ireland Office, 'UK Government Commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland: What does it mean and how will it be implemented?', (NIO, 2020), at para 13.

⁵ Ibid.

⁶ Sections 6(2)(ca) and 24(1)(aa) of the Northern Ireland Act 1998 limit the competence of the NI Assembly and Executive and proscribe making any law which is incompatible with Protocol Article 2.

to oversee the UK Government's commitment under Protocol Article 2. The Commissions are responsible for providing advice to government and monitoring, supervising, enforcing and reporting on the ongoing implementation of this commitment.⁷

3.0 The Trafficking Directive

- 3.1 The EU Trafficking Directive contains a number of provisions which are aimed at criminalisation of trafficking offences,⁸ non-prosecution and non-application of penalties to victims,⁹ investigation and prosecution of offences¹⁰ and supporting victims, including child victims, of trafficking.¹¹
- 3.2 The relevant chapter of the Belfast (Good Friday) Agreement 1998 protects the rights of victims "to remember as well as to contribute to a changed society." The UK Government has already accepted that the no-diminution commitment of the Protocol includes, but is not limited to, the Victims' Directive.¹² The Victims' Directive is closely linked to the Trafficking Directive in relation to specific areas of crime and protections afforded to victims.¹³ Because the Trafficking Directive protects a subset of 'victims' in Northern Ireland, the Trafficking Directive should also fall within the scope of Protocol Article 2.

⁷ Sections 78A-78E, Northern Ireland Act 1998.

⁸ Articles 2-7, Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 5 April 2011.

⁹ Article 8, Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 5 April 2011.

¹⁰ Articles 9-10, Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 5 April 2011.

¹¹ Articles 11-17, Council Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 5 April 2011.

¹² Northern Ireland 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 13.

¹³ European Parliament, 'The Victims' Rights Directive: European Implementation Assessment', (EPRS 2017), at p 97: 'In relation to external coherence, i.e. consistency with other relevant legal acts and with overall EU policy / priorities, the Victims' Rights Directive is closely linked to other EU legislation ... It is also directly connected to directives in specific areas of crime, such as Directive 2011/36/EU on prevention and combating of trafficking in human beings and protecting its victims': See also Recital 17, Directive 2012/29/EU of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime: "Gender-based violence is understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes ...trafficking in human beings".

3.3 Clause 67 of the Nationality and Borders Bill disapplies retained EU law deriving from the Trafficking Directive to the extent that other measures within Part 5 of the Bill are inconsistent with it. There is confusion which requires remedy.

3.4 The Explanatory Notes to the Bill state:

“Clause 67 makes provision for the disapplication of retained EU law deriving from the Trafficking Directive insofar as its continued existence would be incompatible with provision made by or under the Bill. This Clause extends UK-wide insofar as any incompatibility is between the Directive and a provision that is reserved and extends across the UK. It does not extend to Scotland, Wales or Northern Ireland insofar as any incompatibility is between the Directive and a provision that is devolved in Scotland, Wales or Northern Ireland.”¹⁴

3.5 The Commissions’ reading of this suggests that where a *reserved* matter is at odds with the Trafficking Directive, Clause 67 applies, but where a *devolved* matter is at odds with the Directive, Clause 67 may not apply. This distinction does not appear on the face of the Bill. In contradiction, Annex B of the Explanatory Notes suggests that Clause 67 does *not* extend to NI.¹⁵ In the Commissions’ view, if Clause 67 does apply to NI in respect of reserved matters, provisions in this field must be compliant with Protocol Article 2. The accompanying guidance to the Bill does not reference Protocol Article 2 at all. Moreover, parts of the Bill have implications for matters devolved to and legislated for already in NI, as outlined below (paragraph 4 et seq.).

3.6 **The Commissions recommend that the House of Lords amend the Nationality and Borders Bill to remove Northern Ireland from the extent of Clause 67, to avoid potential breach of the “no-diminution” commitment under Article 2 of the Ireland/Northern Ireland Protocol.**

4.0 Trafficking Directive and protections available under NI legislation

4.1 The Nationality and Borders Bill extends to Northern Ireland with the exception of seven clauses that only apply to England and Wales¹⁶. While immigration remains a reserved matter, modern slavery and human trafficking is a devolved

¹⁴ Nationality and Borders Bill: Explanatory Notes, at para 865.

¹⁵ Nationality and Borders Bill: Explanatory Notes, at Annex B.

¹⁶ Clauses 24, 46, 56, 59, 63, 65 and 66 extend to England and Wales only. See discussion above about clarity as regards Clause 67.

matter.¹⁷ There are provisions within the Bill that diverge from the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, that makes provision relating to human trafficking in NI.

- 4.2 Consequential provisions at Clause 80 of the Bill allow the Secretary of State to make regulations that amend, repeal or revoke any enactment, including Northern Ireland legislation.¹⁸ The Explanatory Notes suggest these powers would only be exercised in consequence of provisions in the Bill which are reserved matters or which only extend to England and Wales.¹⁹ The Explanatory Notes identify that “none of the provisions within the Bill involve the UK Parliament legislating on a matter that is within the legislative competence of a devolved legislature” and therefore the UK Government does not need to seek consent from devolved legislatures under the terms of the Sewel Convention.²⁰ The NI Department of Justice identifies in its Modern Slavery Strategy that, while immigration and asylum are reserved matters, there may be overlap with modern slavery and human trafficking, which remains mainly devolved.²¹ As discussed below, there are clauses within the Bill extending to NI which would encroach on provisions within devolved legislation, primarily around support for victims of human trafficking. The Commissions note that it would be appropriate under the Sewel Convention to seek consent from the devolved nations where provisions relate to devolved matters.
- 4.3 Clause 57 of the Bill provides power for the Secretary of State to require information through Trafficking Information Notices. Clause 58(2) requires that late compliance with such a notice, without good reason, must be considered as a factor damaging a person’s credibility. The Commissions believe this fails to recognise the impact of trauma experienced by a victim. Victims can be affected by memory loss, which can lead to difficulty recalling their experiences. It can often take a considerable amount of time before a victim is ready to disclose what happened to them and there may be communicative/language barriers.²²

¹⁷ Department of Justice Northern Ireland Organised Crime Task Force Modern Slavery Strategy 2021-2022: 1.31

¹⁸ Clause 80(4)(d), Nationality and Borders Bill.

¹⁹ Nationality and Borders Bill: Explanatory notes, at para 86.

²⁰ Explanatory notes at para 88; Under the terms of the Sewel Convention, the UK Parliament will not normally legislate with regard to matters within the legislative competence of the Scottish, Welsh or Northern Irish legislatures without the consent of the legislatures concerned.

²¹ See note 16.

²² Independent Anti-Slavery Commissioner, ‘IASC response to the Nationality and Borders Bill’. Available at: [Independent Anti-Slavery Commissioner - Home \(antislaverycommissioner.co.uk\)](https://www.antislaverycommissioner.co.uk)

- 4.4 This mandatory consideration relating to credibility has the potential to engage and infringe Article 8 of the Trafficking Directive. Article 8 requires that authorities are entitled *not* to prosecute victims of human trafficking for crimes they were compelled to commit as a consequence of being trafficked.²³ Moreover, the Commissions are concerned that this clause may reverse the obligation on States to identify victims of human trafficking under Article 9 of the Directive.²⁴ It also sits uneasily alongside the requirement under Article 11 to provide assistance and support “as soon as the competent authorities have a reasonable-grounds indication” that an individual has been trafficked. See for example, a joint letter on the Nationality and Borders Bill, in which three UN Special Rapporteurs observed that to view late provision of information as damaging to credibility would “fail to acknowledge the positive obligation on the State to identify victims of trafficking and contemporary forms of slavery”.²⁵
- 4.5 It is widely recognised that victims of modern slavery may fail to identify themselves immediately and that there can be numerous reasons for failing to do so, including a failure to recognise their situation as exploitation.²⁶ Article 11(5) of the Trafficking Directive identifies that assistance and support will be provided to victims on a “consensual and informed basis”.²⁷ The nature of these Trafficking Information Notices and the mandatory treatment of late information as damaging credibility, arguably sits in conflict with the principle of consensual and informed support. Being made to recall experiences before ready could be retraumatising for a victim. That could amount to breach of Article 12 of the Trafficking Directive that “Member States shall ensure that victims of trafficking in human beings receive specific treatment aimed at preventing secondary victimisation”.²⁸

²³ Article 8 of Directive 2011/36/EU ‘Council Directive on preventing and combating trafficking in human beings and protecting its victims’, 5 April 2011.

²⁴ Article 9 of Directive 2011/36/EU ‘Council Directive on preventing and combating trafficking in human beings and protecting its victims’, 5 April 2011.

²⁵ OL GBR 11/2021, Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 5 November 2021, at 4.

²⁶ OL GBR 11/2021, Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 5 November 2021.

²⁷ Article 11(5) of Directive 2011/36/EU ‘Council Directive on preventing and combating trafficking in human beings and protecting its victims’, 5 April 2011.

²⁸ Article 12 of Directive 2011/36/EU ‘Council Directive on preventing and combating trafficking in human beings and protecting its victims’, 5 April 2011.

- 4.6 Clauses 60 and 61 of the Bill reduce protections for victims by reducing to 30 days the period of recovery for victims. The Human Trafficking and Exploitation (NI) Act 2015 currently provides for 45 days of recovery for potential victims referred to the National Referral Mechanism (NRM).²⁹ Clause 61 limits entitlement to only one period of recovery unless the Secretary of State considers it appropriate to provide a further period in a particular circumstance whereas the NI Act has no such limitation.
- 4.7 Clause 62 of the Bill provides for the automatic loss of entitlement to a period of recovery for a victim if he or she is “a threat to public order”. Clause 62(3) provides that a person is such a threat if he or she has been convicted of one of the offences listed there. The Human Trafficking and Exploitation (NI) Act does not make any corresponding provisions for disqualification. The Independent Anti-Slavery Commissioner has raised concerns that this “casts a wide net”, potentially preventing a considerable number of potential victims from being able to access a recovery period.³⁰ Furthermore, in a joint letter on the Bill, three UN Special Rapporteurs raised concerns that Clause 62 is in breach of the State’s international obligation to identify, assist and protect all victims of trafficking... without discrimination or exception.³¹ Moreover, the Commissions believe disqualification may amount to a penalty which would engage and arguably infringe Article 8 of the Trafficking Directive; on non-prosecution of the victim relating to crimes they were compelled to commit as a consequence of being trafficked.³²
- 4.8 **The Commissions recommend that the ‘extent’ provisions at Clause 82 in the Bill be amended to exclude Northern Ireland from the operation of Clauses 57, 58, 60, 61, 62 and 67, in order to ensure no diminution of the rights of victims of trafficking in Northern Ireland and to avoid potential breach with Protocol Article 2 in this regard.**

²⁹ Section 18, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

³⁰ Independent Anti-Slavery Commissioner, ‘IASC response to the Nationality and Borders Bill’. Available at: [Independent Anti-Slavery Commissioner - Home \(antislaverycommissioner.co.uk\)](https://www.antislaverycommissioner.co.uk)

³¹ OL GBR 11/2021, Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 5 November 2021, at 8; see also Article 11(4) of the Trafficking Directive requiring Member States to establish mechanisms to identify, assist and support victims of trafficking

³² Article 8 of Directive 2011/36/EU ‘Council Directive on preventing and combating trafficking in human beings and protecting its victims’, 5 April 2011.

- 4.9 The NIHRC observes that there is no specific provision, guidance or information on how these provisions will impact upon children. In accordance with the Trafficking Directive read with other international obligations, including the UN Convention on the Rights of the Child, the child's best interest must always be the primary consideration in any decision or action.³³ There is no reference in the Bill to child victims of human trafficking or modern slavery. It is impossible to know if they were considered or how they will be affected
- 4.10 **The NIHRC recommends that the House of Lords enquire what consideration was given to the needs of child victims of modern slavery and human trafficking and how the best interests principle will be ensured.**

5.0 Electronic Travel Authorisations: Clause 71

- 5.1 The Commissions have received specific concerns from equality and human rights stakeholders in Northern Ireland about the potential impact of the ETA requirement on certain people, particularly those living in border communities. In keeping with the Commissions' respective remits, some comments and recommendations in this section are made solely by NIHRC.
- 5.2 The Commissions are concerned at the potential impact for Northern Ireland of the proposed Electronic Travel Authorisation (ETA). Clause 71 requires an ETA for all non-British citizens who require leave to enter the UK, when travelling from Ireland to the UK. Although Irish citizens, by virtue of s3ZA of the Immigration Act 1971, are excluded as individuals not requiring leave to enter the UK, a significant number of individuals who do not hold a recognised UK immigration status will be affected, despite free travel being available to them on the island of Ireland under the current system.
- 5.3 While the Explanatory Notes confirm that British and Irish citizens do not require an ETA, their permission to travel will require evidence of their nationality, as 'demonstrated by their passports'.³⁴ It is not known what measures are in place to decide which individuals will be required to 'demonstrate' that permission to travel. Currently, a passport is not required for

³³ Recital 8 of Directive 2011/36/EU 'Council Directive on preventing and combating trafficking in human beings and protecting its victims', 5 April 2011; Article 3 UN CRC.

³⁴ Paragraph 676, [Explanatory Notes](#)

British and Irish citizens to travel across the border. Therefore, British and Irish citizens may feel the need to start carrying passports when crossing the border, even if not required to go through immigration control. Both Commissions are particularly concerned at the potential for racial profiling.³⁵

- 5.4 In the Commissions' view further consideration is required, including specifically Protocol Article 2's 'non-diminution' guarantee, which includes the right to 'equal opportunity in all social and economic activity.'³⁶ Protocol Article 3 provides for the continued operation of the Common Travel Area ('CTA'), "while fully respecting the rights of natural persons conferred by Union law."³⁷
- 5.5 Moreover, NIHRC considers that the imposition of any additional restrictions or checks likely engages the Article 8 ECHR right (to private and family life), particularly of those who cross the border to shop, work, access services or visit family. Those are daily activities for many living in border communities. It is estimated that over 30,000 such journeys are made daily.³⁸ Any increase in the nature or scale of restrictions and checks is likely to impact adversely upon the Article 8 rights of a significant number of people.
- 5.6 We note that in order to protect the Belfast (Good Friday) Agreement, the UK Government committed under the Protocol, to avoiding a hard border "including...related checks and controls"³⁹ and gave undertakings in respect of protecting North-South co-operation and the CTA, all of which contribute to the enjoyment of private and family life.⁴⁰
- 5.7 In respect of the proposed Clause 71 rules, the NIHRC appreciates that further consideration will be required when the exact text is available but, in the meantime, the Commission notes that Clause 71(6) of the Bill states:

³⁵ ECNI has previously supported a claim of racial discrimination against the Home Office arising from racial profiling by UK immigration officers. This resulted in the settlement of the claim of alleged racial discrimination against a black British woman, arising from the actions of an immigration officer at Belfast City Airport. ECNI, Race case supported by Commission settled with Home Office, 20 July 2016

³⁶ The Belfast Agreement, Rights, Safeguards and Equality of Opportunity, page 16 references "the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity"

³⁷ Article 3(1) of the Ireland/Northern Ireland Protocol

³⁸ Do 30,000 people cross Ireland-Northern Ireland border daily? – FactCheckNI

³⁹ UK EU Withdrawal Agreement 2019, Protocol on Ireland/ Northern Ireland, Recital paragraph 9 and Article 1

⁴⁰ UK EU Withdrawal Agreement 2019, Protocol on Ireland/ Northern Ireland, Articles 1, 3, 11

“The rules must—

- (a) provide for the form or manner in which an application for an ETA may be made, granted or refused;
- (b) specify the conditions (if any) which must be met before an application for an ETA may be granted;
- (c) specify the grounds on which an application for an ETA must or may be refused;
- (d) specify the criteria to be applied in determining— (i) the period for which an ETA is valid; (ii) the number of journeys to the United Kingdom during that period for which it is valid (which may be unlimited);
- (e) require an ETA to include provision setting out the matters mentioned in paragraph (d)(i) and (ii);
- (f) provide for the form or manner in which an ETA may be varied or cancelled;
- (g) specify the grounds on which an ETA must or may be varied or cancelled.”

5.8 The NIHRC notes that although there are grounds for refusal, there is no mechanism for review or appeal.

5.9 **The NIHRC recommends that Clause 71 (Electronic Travel Authorisation) is amended to provide a mechanism for timely review and/or appeal.**

5.10 **The NIHRC recommends that that all journeys into Northern Ireland, that originate from Ireland, should be exempt from ETA requirements.**

6.0 Over-arching recommendations and conclusion

6.1 NIHRC’s broader observations are set out in its submission to the Joint Committee on Human Rights, which are supplemented by this briefing.⁴¹ In this briefing we draw out the particular issues affecting Northern Ireland. The Commissions make the following over-arching recommendations for Northern Ireland.

6.2 **The Commissions recommend that the House of Lords enquire what consideration was given to Protocol Article 2 in the development of this legislation, and recommend that Article 2 should be considered and complied**

⁴¹ NI Human Rights Commission, ‘Response to Call for Evidence by the Joint Committee on Human Rights on the Nationality and Borders Bill’, (NIHRC, 2021), at 22.

with throughout its implementation and the development of regulations and guidance.

- 6.3 The Commissions recommend that no provision made in or under the Bill, insofar as it extends to Northern Ireland, should be inconsistent with Protocol Article 2.**
- 6.4 The Commissions recommend that the House of Lords request that Explanatory Notes accompanying the Nationality and Borders Bill indicate what consideration has been given to compliance with Protocol Article 2 and provisions which engage it.**

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