**DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS**

**Equality and Human Rights**

**Screening Template**

22 October 2018



**DAERA Equality** and **Human Rights**

# Screening Template

DAERA has a statutory duty to screen. This includes our strategies and plans, policies, legislative developments; and new ways of working such as – the introduction, change or end of an existing service, grant funding arrangement or facility. This screening template is designed to help business areas consider the likely equality and human rights impacts of their proposed decisions on different groups of customers, service users, staff and visitors.

Before carrying out an equality screening exercise it is important that you have received the necessary training and know the current effective guidance first (see HPRM (Trim) link below for Guidance Document). To find out about the training needed, contact - [equalitybranch@daera-ni.gov.uk](mailto:equalitybranch@daera-ni.gov.uk). All screening exercises must be supported by evidence and Quality Assured by Equality Unit prior to being cleared at Grade 3 level.



The accompanying Screening Guidance note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties**[[1]](#footnote-1)** and what they mean in practice is available on the Equality Commission’s website.

Please note: Only plain English**[[2]](#footnote-2)** should be used in all sections of this document.

The screening template has 4 sections to complete. These are:

**Section A** - asks you to provide details about the policy / decision that is being screened.

**Section B** - has 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

**Section C** - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

**Section D** - is the formal record of the screening decision.

Section A

Details about the policy / decision to be screened – In plain English

|  |
| --- |
| Title of policy / decision to be screened:- Young Farmers’ Clubs of Ulster (YFCU) funding 2018 – 2021. |

|  |
| --- |
| Brief description of policy / decision to be screened:-  (Explain - Is this a new, revised or existing policy? Are there financial / legislative / procurement implications?)   * This is a continuation of an existing programme of support. * The Department has supported the YFCU with an annual grant since 1934. The support has been provided as it is deemed that the YFCU’s activities include agricultural education/training and promotion of rural development. * The DAERA funding has supported personal development, agricultural education and training, the promotion of rural life and supports the NI Executive Strategy in respect of enhancing good relations. The legal basis lies in Section 12(b) of the Agriculture Act (NI) 1949. * Funding of £250K for the three year period (1April 2018 – 31 March 2021) - £80k Year 1, £85K Year 2 and £85K in Year 3 has been requested. * Resource Economics Branch have been consulted with regards to this proposed programme of support and recommendations have been considered and implemented within the business case. |

|  |
| --- |
| Aims and objectives of the policy / decision to be screened:-  (What is the policy trying to achieve?) *If you do not know you must seek advice from the project manager prior to completing this document.*   * The aim of this decision is to ensure that the applicants for the YFCU funding are representative of the general population and that consideration has been given to equality of opportunity for people within Section 75 categories. * This funding is for the YFCU which is a unique, local organisation, open to all young people who have a keen interest in the countryside. It is the leading representative group for young people in agriculture and rural communities in NI. They welcome members from all communities in both urban and rural areas and are committed to attracting new members from a diverse range of backgrounds. * Since it is open and inclusive to everyone aged 11 - 30, it is unlikely that there will be any adverse impacts on human rights. |

|  |
| --- |
| **On whom will the policy / decision impact?**  Consider the internal and external impacts (both actual or potential)  Staff – Support provided within DAERA (Agri-food Support branch, Veterinary Service and Animal Health group, CAFRE), Ulster University.  X    service users – YFCU are the main beneficiaries of the scheme. Schools benefit from a well-established successful ‘Field to fork’ programme  X  rural community- a major contribution to the personal development and employability of  X  thousands of young people in YFCU living in rurally isolated areas of NI  other public sector organisations - no impact perceived  voluntary / community groups / trade unions- no impact perceived  others, please specify – no impact perceived |

|  |
| --- |
| Are there linkages to other NI Departments / NDPBs? *Under the new Programme for Government there is an emphasis on shared responsibility between departments & this should be considered when answering this question.*  The planning and delivery of these programmes are completed by means of a combination of YFCU staff, volunteers and in many cases is based on collaborative work with other individuals, businesses and organisations. The targets and subject areas within the delivery plan are based on discussions with DAERA (including CAFRE), UU Business School, UFU and other Industry “experts”. |

Section B

**Available evidence**

What evidence or information (both qualitative and quantitative) have you gathered to inform this policy? Set out all evidence below along with details of the different groups you have met and or consulted with to help inform your screening assessment.

Engaged with Equality, Diversity and Public Appointments Branch, DAERA and Statistics and Analytical Services, DAERA when completing this document.

|  |  |
| --- | --- |
| **Section 75 category** | **Details of evidence or information and engagement** |
| **Religious belief** | [Equality Impact Assessment of the 2014-2020 Rural Development Programme.](https://www.daera-ni.gov.uk/sites/default/files/publications/dard/2014-2020-rdp-final-eqia-report.pdf)  [2011 Census of Northern Ireland](https://www.nisra.gov.uk/statistics/census/2011-census)  [Census 2011:Key Statistics at Northern Ireland and LGD Level](http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2013/general/russell3013.pdf)  The religious beliefs across the NI farming/rural community are 48% Protestant and 45% Catholic. Catholics predominate in the West, North- West and South of Northern Ireland. Whereas in contrast, Protestants are heavily represented in the East, North-East and Greater Belfast areas. |
| **Political opinion** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland  In general political belief mirrors religious opinion. |
| **Racial group** | [The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland](https://www.daera-ni.gov.uk/sites/default/files/publications/dard/farmers-and-farm-families-in-northern-ireland.pdf) (most recent)  Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland  The 2011 Census of Northern Ireland (most recent as next is 2021) found that over 98% of the population, state their ethnic origin to be white. Non-white ethnic groups accounted for 1.7% of the total population. In addition under 1.3% of non-white minority ethnic groups of Black, Asian and Other live in rural area. The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland (most recent) outlined that the farming population was overwhelmingly white and that there was no difference in racial group by type or size of farm. |
| **Age** | The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland  Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland – [Population Estimates – Single year of Age](https://www.ninis2.nisra.gov.uk/public/Theme.aspx?themeNumber=74&themeName=Population)  [EU Farm Structure Survey 2016 Northern Ireland](https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf)  There are in excess of 3000 YFCU members and they are 11 – 30 years old. This is a youth organisation and therefore focuses on a narrower age band than the general population. Around 26% of the male population in NI are 11-30 and 24% of the female population. 6% of principal farmers in each business were aged under 35 in 2016 (compared with 4% in 2013). |
| **Marital status** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland  EU Farm Structure Survey 2016 Northern Ireland  47.5% of people over 16 in Northern Ireland are currently married (2011 Census) with a further 36.1% classed as single (never been married) and the remaining 16.4% separated, divorced or widowed. Within the rural communities of Northern Ireland a higher proportion of people are married at 57% and within the farming context this is even higher with 68% of adults married. The 2016 survey indicated that around 30% of Northern Ireland farmers had no spouse, ranging from 32% for those with very small businesses to 17% of those with large businesses. Approximately half (48%) of farmers spouses contributed to the work of the farms. |
| **Sexual orientation** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland |
| **Men & women generally** | The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland  Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland  EU Farm Structure Survey 2016 Northern Ireland  In 2016 female workers accounted for 24% of the workforce and 16% of the labour input on Northern Ireland farms. Also 5% of farms in Northern Ireland in 2016 were managed by females. |
| **Disability** | The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland  Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland  In Northern Ireland it is estimated that 22% of the population have some form of disability; amongst farmers this figure is slightly higher, with 26% reporting they suffer from some form of disability. |
| **Dependants** | The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland  Equality Impact Assessment of the 2014-2020 Rural Development Programme.  2011 Census of Northern Ireland  Northern Ireland Statistics and Research Agency (NISRA) Report, November 2017.  The average age of first-time mothers has increased from 24 to 28 years since 1986, according to the Northern Ireland Statistics and Research Agency (NISRA) in November 2017. About a fifth of new mothers were aged 35 and over. Nearly half of all the births registered (43%) were outside marriage. Hence not many, if any, YFCU members will have dependent children.  A total of 4,300 children aged less than 15 years (1.2% of the age group) were acting as unpaid care providers in Northern Ireland. More than three-fifths (61%) of care was provided by those in the 35-64 age groups in Northern Ireland (2011 Census). |

|  |
| --- |
| **No evidence held? Outline how you will obtain it:** *If you do not know you must seek advice from the project manager prior to completing this document.*  **Not Applicable** |
|  |
|  |

1. **What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? What is the level of impact?**

|  |  |  |
| --- | --- | --- |
| **Section 75 category** | **Details of likely impact** | **Level of impact? Minor/Major/None** |
| **Religious belief** | It is anticipated that participation will reflect the religious beliefs across the NI farming/rural community of 48% Protestant and 45% Catholic. YFCU funding is for everyone as there are currently 52 local self-governing clubs plus a number of clubs within Schools and Colleges, across all six counties. The YFCU have no census information but for the first time ever they are currently collecting data. | None |
| **Political opinion** | In general political belief mirrors religious opinion as above. | None |
| **Racial group** | There is no evidence to suggest there would be a negative differential impact on the equality of opportunity of applicants in different racial groups. | None |
| **Age** | The economic downturn has impacted on all of Northern Ireland but its greatest impact has been on young people. There has been an exodus from rural NI to urban areas and indeed out of the country. | Minor |
| **Marital status** | We consider that there is no evidence to suggest there would be a negative differential impact on the equality of opportunity of applicants in relation to their marital status. | None |
| **Sexual orientation** | There is no evidence to suggest there would be a negative differential impact on the equality of opportunity of applicants in relation to their sexual orientation. | None |
| **Men and women generally** | The YFCU welcomes members from all communities in both urban and rural areas and are committed to attracting new members both male and female, from a diverse range of backgrounds. YFCU governance is by means of an Executive Committee and Council, elected by and from the membership, approximately 50% of whom are female. | None |
| **Disability** | There is no evidence to suggest that there would be a negative differential impact on the equality of opportunity of YFCU members in relation to their disability. Groups will be asked to take account of the disability issues of participants, especially in hosting a visit. The organisation also works very closely with Disability Sports NI and delivers a number of targeted information sessions for all members. | None |
| **Dependants** | Households within the NI rural areas are more likely to have one or more dependent children than in Northern Ireland as a whole but it is unlikely that lack of childcare provision / respite care would be a barrier to involvement with this scheme. | Minor |

1. **Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

|  |  |  |
| --- | --- | --- |
| **Section 75 category** | **If Yes, provide details** | **If No, provide reasons** |
| **Religious belief** |  | No. This is funding for all YFCU members which is open to all young people. The YFCU welcomes members from all communities in both urban and rural areas and are committed to attracting new members from a diverse range of backgrounds. |
| **Political opinion** |  | As above |
| **Racial group** |  | As above |
| **Age** |  | As above |
| **Marital status** |  | As above |
| **Sexual orientation** |  | As above |
| **Men and women generally** |  | As above |
| **Disability** |  | YFCU members who confirm they have a disability will have the opportunity to discuss their issues and gain additional support. Selection of venues for group meetings will take account of the physical requirements of the member. |
| **Dependants** |  | Locally based meetings will mean that the time away from home will be minimised facilitating elder and child care. |

1. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? What is the level of impact? *Think People!***

|  |  |  |
| --- | --- | --- |
| **Good relations category** | **Likely impact?** | **Level of impact? Minor/Major/None** |
| **Religious belief** | Groups of people from mixed religion came together to develop a proposal for the next round of funding for the YFCU funding. This is likely to improve trust and good relations between club members and others. | Minor |
| **Political opinion** | As above for religious belief | Minor |
| **Racial group** | There is likely to be no impact as almost all members will be from the same racial group. | None |

1. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group? *Think People!***

|  |  |  |
| --- | --- | --- |
| **Good relations category** | **If Yes, provide details** | **If No, provide reasons** |
| **Religious belief** | Yes - With the funding being potentially a three year programme, it is reasonable to assume good relations will be sustained out with and beyond the funding both socially and from a business perspective. |  |
| **Political opinion** | Yes - As above |  |
| **Racial group** |  | No - The 2001/02 Social Survey of Farmers and Farm Families across Northern Ireland (most recent) outlined that the farming population was overwhelmingly white and that there was no difference in racial group by type or size of farm. |

Section C

DAERA also has legislative obligations to meet under the Disability Discrimination Order and Human Rights Act Questions 5 -9 relate to these two areas.

Consideration of Disability Duties

5. Does this proposed policy or decision provide an opportunity for DAERA to better **promote positive attitudes** towards disabled people?

|  |
| --- |
| **Explain your assessment in full**   * The YFCU promote positive attitudes towards disabled people and they are constantly raising funds for various causes e.g. NHSCT Palliative Care, PHA UK, Southern Area Hospice, Hugh’s House, Dublin for parents with ill children, Diabetes UK and Air Ambulance NI. Funds are raised through tractor runs, marathons, performances, cycles etc. * YFCU actively engage with Disability Sports NI to ensure opportunities are created for everyone regardless of their disability. * In previous rounds of funding DAERA supported the YFCU to review the awareness of Section 75 within the organisation and supported clubs in the use of tools that assist members in understanding relevant issues. |

6. Does this proposed policy or decision provide an opportunity to actively **increase the participation** by disabled people in public life?

|  |
| --- |
| **Explain your assessment in full**  YFCU are open for everyone and all will be equally valued, irrespective of disability. The funding provided by DAERA provides the YFCU with capacity to further implement opportunities for everyone, whatever their disability. |

Consideration of Human Rights

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below (place an X in the appropriate box) any potential *adverse impacts* that the policy or decision may have in relation to human rights issues.

**See Annex A for brief synopsis on each of the Human Rights Articles & Protocols**

|  |  |  |
| --- | --- | --- |
| Right to Life | **Article 2** |  |
| Prohibition of torture, inhuman or degrading treatment | **Article 3** |  |
| Prohibition of slavery and forced labour | **Article 4** |  |
| Right to liberty and security | **Article 5** |  |
| Right to a fair and public trial | **Article 6** |  |
| Right to no punishment without law | **Article 7** |  |
| Right to respect for private and family life, home  and correspondence | **Article 8** |  |
| Right to freedom of thought, conscience and religion | **Article 9** |  |
| Right to freedom of expression | **Article 10** |  |
| Right to freedom of peaceful assembly and association | **Article 11** |  |
| Right to marry and to found a family | **Article 12** |  |
| The prohibition of discrimination | **Article 14** |  |
| Protection of property and enjoyment of possessions | **Protocol 1 Article 1** |  |
| Right to education | **Protocol 1 Article 2** |  |
| Right to free and secret elections | **Protocol 1 Article 3** |  |

Consideration of Human Rights (cont)

|  |
| --- |
| 8. **Please explain any adverse impacts on human rights that you have identified**  None identified |

|  |
| --- |
| 9. **Please indicate any ways which you consider the policy positively promotes human rights**  None identified |

**Monitoring Arrangements**

Section 75 places a requirement on DAERA to have equality monitoring arrangements in place in order to assess the impact of policies and services etc; and to help identify barriers to fair participation and to better promote equality of opportunity. Please note the following excerpt from The Equality Commission for Northern Ireland in relation to monitoring:

*A system must be established to monitor the impact of the policy in order to find out its effect on relevant groups. The results of ongoing monitoring must be reviewed on an annual basis. The public authority is required to publish the results of this monitoring. And they must be included in the public authorities´ annual review on progress to the Equality Commission. The Equality Scheme must specify how and where such monitoring information will be published. It is therefore essential that monitoring is carried out in a systematic manner and that the results are widely and openly published.*

*If the monitoring and analysis of results over a two year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups.*

Outline what data you will collect in the future in order to monitor the impact of this policy or decision on equality, good relations and disability duties.

|  |  |  |
| --- | --- | --- |
| **Equality** | **Good Relations** | **Disability Duties** |
| YFCU will be asked to complete Section 75 Monitoring Forms which will allow full equality monitoring. | Evaluation of good relations will be undertaken as part of the interim and post project evaluation under non-monetary benefits. | Data on YFCU members’ disabilities and the adjustments made to allow scheme participation will be recorded. |

Section D – Summary Sheet

Formal Record of Screening Decision

|  |
| --- |
| **Title of Proposed Policy / Decision being screened** Young Farmers’ Clubs of Ulster (YFCU) funding 2018 – 2021. |

I can confirm that the proposed policy / decision has been screened for –

|  |  |
| --- | --- |
|  | equality of opportunity and good relations |
|  | disabilities duties; and |
|  | human rights issues |

On the basis of the answers to the screening questions, I recommend that this policy / decision is –

\***place an X in the appropriate box below**

|  |  |
| --- | --- |
|  | \***Screened In** – Necessary to conduct a full EQIA |

|  |  |
| --- | --- |
|  | \***Screened Out** – No EQIA necessary (no impacts)  Provide a brief note here to explain how this decision was reached:   * Please note that a ‘screened out’ decision **must** be accompanied by a sound rationale and relevant empirical evidence to show the basis upon which a screened out decision has been reached. |

|  |  |
| --- | --- |
|  | \* **Screened Out -** Mitigating Actions (minor impacts)  Provide a brief note here to explain how this decision was reached:   * Describe clearly the mitigating actions and / or policy changes that will now be introduced * Explain how these actions will address the inequalities:   The YFCU funding offers the opportunity for expansion of group members, hence they are working more closely with schools to start up Agricultural groups affiliated with the YFCU. The YFCU will assist by providing speakers, arranging farm visits etc. It is hoped this will generate interest and create opportunities for female and isolated rural dwellers participation. |

**DAERA Equality** and **Human Rights**

# Screening Checklist

Before signing off this screening template please confirm that you have completed all the actions listed below.

I can confirm that all the actions listed below have been completed –

|  |  |
| --- | --- |
|  | I have explained any technical issues in plain English (easily understood by a 12 year old) |
|  | I have added evidence and explained my assessments in full |
|  | I have provided a brief note to justify my decision to ‘Screen In’ or ‘Screen Out’ |
|  | A copy of this screening template and the final decision has been sent to the Equality Unit for their consideration before it has been forwarded for sign-off |

**Formal Record of Screening Decision** (cont.)

***Have you issued this document to Equality Unit prior to obtaining Grade 3 signature?***

***Yes***

|  |  |
| --- | --- |
| **Screening assessment completed by (Staff Officer level or above) -** | |
| Name: Joanne Dale | Grade: III (SO) |
|  | Date: 23 October 2018 |
| Branch: AFSB | |

|  |
| --- |
| Signature: please insert a scanned image of your signature below |

|  |  |
| --- | --- |
| **Screening decision approved by (must be Grade 3 or above) -** | |
| Name: Norman Fulton | Grade: 3 |
|  | Date: 24/10/2018 |
| Branch: FFG | |

|  |
| --- |
| Signature: please insert a scanned image of your signature below |

Please save the final signed version of the completed screening form in the HPRM container below as soon as possible after completion and forward the HPRM link to Equality Branch at [equalitybranch@daera-ni.gov.uk](mailto:equalitybranch@daera-ni.gov.uk). The screening form will be placed on the DAERA website and a link provided to the Department’s Section 75 consultees.



For more information about equality screening, contact –

DAERA Equality Unit

Equality, Diversity & Public Appointments Branch

Ballykelly House

111 Ballykelly Road

LIMAVADY  
BT49 9HP

Email: [equalitydiversitypublicappointments@daera-ni.gov.uk](mailto:equalitydiversitypublicappointments@daera-ni.gov.uk)

Tel: 028 7744 2027

**November 2017**



**Annex A**

**Synopsis of Human Rights Act Articles & Protocols**

***Article 2***

**E+W+S+N.I.*Right to life***

1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.**E+W+S+N.I.**
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:**E+W+S+N.I.**

(a) In defense of any person from unlawful violence;

(b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) In action lawfully taken for the purpose of quelling a riot or insurrection.

***Article 3***

**E+W+S+N.I.*Prohibition of torture***

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

***Article 4***

**E+W+S+N.I.*Prohibition of slavery and forced labour***

1. No one shall be held in slavery or servitude.**E+W+S+N.I.**
2. No one shall be required to perform forced or compulsory labour.**E+W+S+N.I.**
3. For the purpose of this Article the term “forced or compulsory labour” shall not include:**E+W+S+N.I.**

(a) Any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) Any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(c) Any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) Any work or service which forms part of normal civic obligations.

***Article 5***

**E+W+S+N.I.*Right to liberty and security***

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:**E+W+S+N.I.**

(a) The lawful detention of a person after conviction by a competent court;

(b) The lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d ) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) The lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) The lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

1. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.**E+W+S+N.I.**
2. Everyone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.**E+W+S+N.I.**
3. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.**E+W+S+N.I.**
4. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.**E+W+S+N.I.**

***Article 6***

**E+W+S+N.I.*Right to a fair trial***

1. 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. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.**E+W+S+N.I.**
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.**E+W+S+N.I.**
3. Everyone charged with a criminal offence has the following minimum rights:**E+W+S+N.I.**

(a) To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) To have adequate time and facilities for the preparation of his defense;

(c) To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

***Article 7***

**E+W+S+N.I.*No punishment without law***

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.**E+W+S+N.I.**
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.**E+W+S+N.I.**

***Article 8***

**E+W+S+N.I.*Right to respect for private and family life***

1. Everyone has the right to respect for his private and family life, his home and his correspondence.**E+W+S+N.I.**
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.**E+W+S+N.I.**

***Article 9***

**E+W+S+N.I.*Freedom of thought, conscience and religion***

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.**E+W+S+N.I.**
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.**E+W+S+N.I.**

***Article 10***

**E+W+S+N.I.*Freedom of expression***

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.**E+W+S+N.I.**
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.**E+W+S+N.I.**

***Article 11***

**E+W+S+N.I.*Freedom of assembly and association***

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.**E+W+S+N.I.**
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.**E+W+S+N.I.**

***Article 12***

**E+W+S+N.I.*Right to marry***

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

***Article 14***

**E+W+S+N.I.*Prohibition of discrimination***

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

**Protocol 1**

***Article 1***

**E+W+S+N.I.*Protection of property***

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

**Protocol 1**

***Article 2***

**E+W+S+N.I.*Right to education***

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

**Protocol 1**

***Article***

***3* E+W+S+N.I.*Right to free elections***

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

1. ECNI ‘Section 75 of the NI Act 1998: A Guide for Public Authorities’ April 2010. [www.equalityni.org](http://www.equalityni.org) [↑](#footnote-ref-1)
2. Should be easily understood by a 12 year old. [↑](#footnote-ref-2)