**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. 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

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| Title of policy / decision to be screened:- Northern Ireland Regional Food Programme (NIRFP) 2020 – 2021. |

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| 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 scheme was initially launched in December 2006. A second application for State Aid was approved on 1 April 2010 for total funding of £900,000 for the following three years to 31 March 2013. Further prolongations have extended this Block Exemption and an application for a further extension is in progress to provide cover for the 20/21 programme. As of 8/11/19 approval for extension to 31 March 2021 has been received (SA55612).
* The DAERA funding has addressed the gap in government support for the domestic market. The programme provides an essential means of government intervention support for representative bodies such as Food NI, the Dairy Council, Pig & Bacon Forum, Livestock and Meat Commission to assist new entrants in securing routes to market that would otherwise be unavailable to them. In addition the programme provides additional leverage and financial support for these ‘not for profit’ representative bodies to work together. Since most of these are single sector bodies with a single sector marketing remit (except Food NI), the programme encourages opportunities for comprehensive and joined up promotion of NI produce in its totality that would otherwise be lost.
* Funding of £200k (£100k baseline budget with a further TA expected from within Division) has been requested.
* Recommendations have been considered and implemented within the business case.
* Financial support would be for a range of complimentary activities through a grant aid programme. This would be administered by a small team of DAERA staff who would manage the various stages of programme delivery; - application process, selection panel assessment, issue of Letters of Offer, mentoring and processing of claims.
* Programme benefits include generation of extra sales in excess of £1m, PR value in the region of £1.2m (based on advertising value equivalent), over 635k people attending award winning events showcasing multiple award winning products and producers.
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| 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 Northern Ireland Regional Food Programme 2020/21 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 awarded through a competitive process. All applicants must complete an application form outlining how they propose to meet the aims and objectives of the programme. Applications are scored by an independent assessment panel against weighted criteria using a pre-determined assessment form. Only applicants scoring over 50% are eligible for funding. Awards are made on a competitive basis and only those applications that are judged to have best met the programme objectives receive funding.
* New projects will be supported at a more favourable rate than those that have received support through a past NIRFP programme, unless the latter can demonstrate additional development. Established projects that have previously received funding will not receive support unless they demonstrate significant additional enhancement.
* Individuals or companies can apply if they are:
	+ Formally constituted not for profit groups who have an NI membership/remit and plan to deliver projects that raise the profile of NI regional food products.
	+ Registered Charities who have an NI membership/remit and plan to deliver projects that raise the profile of NI regional food products.
	+ Not for profit regional development agencies who have an NI membership/remit and plan to deliver projects that raise the profile of NI regional food products.
	+ Joint applications from not for profit groups and/or charities or regional development agencies who have an NI membership/remit and plan to deliver projects that raise the profile of NI regional food products.
* Since applications encourage all “not for profit” sectors of the agri-food industry to work together, it is unlikely that there will be any adverse impacts on human rights.
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| **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).X Service users – Councils, Agricultural Show Society, Food NI, RUAS, Arts Ekta are some of the beneficiaries of the scheme. XRural community- a positive increase in sales, media coverage and market opportunities for participating producers as a result of these activities contributing to the development of a thriving rural NI economy. XOther public sector organisations - no impact perceivedXVoluntary / community groups / trade unions- impacted as only “not for profit” organisations are eligible to applyOthers, please specify – no impact perceived |

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| 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 DAERA staff, Council staff, volunteers for Show societies 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 Food Programme Management team and the Selection Panel. |

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 when completing this document.

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| **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)Regional Food Programme - Letter of Offer and [Application](https://www.daera-ni.gov.uk/publications/northern-ireland-regional-food-programme-2019-20)The religious beliefs across the NI 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 IrelandIn general political belief mirrors religious opinion. |
| **Racial group**  | Equality Impact Assessment of the 2014-2020 Rural Development Programme.2011 Census of Northern IrelandThe 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.  |
| **Age**  | 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)The mean age of the NI population is 37.59. 57.61% of NI residents aged 16-72 were economically active. |
| **Marital status**  | Equality Impact Assessment of the 2014-2020 Rural Development Programme.2011 Census of Northern IrelandEU Farm Structure Survey 2016 Northern Ireland47.5% 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.  |
| **Sexual orientation** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.2011 Census of Northern Ireland[Sexual Identity, UK: 2016](https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2016)In 2016, just over 1 million (2%) of the UK population aged 16 and over identified themselves as lesbian, gay or bisexual (LGB). The population aged 16 – 24 were the age group most likely to identify as LGB in 2016 (4.1%). More males (2.3%) than females (1.6%) identified themselves as LGB in 2016.There are no data on the number of lesbian, gay or bisexual (LGB) persons in NI as no national census has ever asked people to define their sexuality. However, according to the 2013 NI Life and Times Survey (NILT), 96% of people in NI are heterosexual and 1% are homosexual (http://www.ark.ac.uk/nilt/2013/Background/ORIENT.html). |
| **Men & women generally** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.2011 Census of Northern IrelandEU Farm Structure Survey 2016 Northern IrelandRegional Food Programme - Letter of Offer and ApplicationThe 2011 Census showed that 51% of the population were male and 49% female. In March 2011, female employees (333,000) outnumbered male employees (307,000), which is a reversal from the position in April 2001. In 2016 female workers accounted for 24% of the workforce. |
| **Disability** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.2011 Census of Northern IrelandRegional Food Programme - Letter of Offer and ApplicationIn 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** | Equality Impact Assessment of the 2014-2020 Rural Development Programme.2011 Census of Northern IrelandNorthern Ireland Statistics and Research Agency (NISRA) Report, November 2017. 33.86% of NI households have dependent children (Those aged 0-15 and person aged 16-18 who is a full time student and in a family with parent(s)). For households with dependent children, there is around 9% with one or more persons with a long term health problem or disability. For households without dependent children there is around 31% of those with one or more people with a long term health problem or disability. |

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| **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** |
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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 5 of the application form requires applicants to declare that ‘the project will comply with relevant Northern Ireland and EU legislation on equal opportunities’. In the Letter of Offer the applicants must agree to specific conditions including ‘you must seek to promote equality of opportunity and good relations between those Groups specified in Section 75, sub section (1) and (2) of the Northern Ireland Act 1988 and also you must comply with all Equal Opportunity and Fair Employment legislation.

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| --- | --- | --- |
| **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 community of 48% Protestant and 45% Catholic. The Northern Ireland Regional Food Programme (NIRFP) funding is for not for profit organizations across all six counties. In the Letter of Offer the applicants must agree to specific conditions including ‘You must adhere to the requirements of the Fair Employment Acts in force in Northern Ireland’. This will include adherence to the requirements of the Code of Practice, which complements the existing legislation. | 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** | There is no evidence to suggest there would be a negative impact on the equality of applicants in relation to their age. | None |
| **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**  | Applications are welcome from all non for profit organisations, irrespective if the applicant is male or female. There is a commitment to attracting new applicants both male and female, from a diverse range of backgrounds. In the Letter of Offer the applicants must agree to specific conditions including ‘You must comply with the requirements of the sex Discrimination (NI) Orders 1976 and 1988, and any enactments amending, extending or replacing them’. All the facilities must also be open to the general public and not just available to particular groups or organisations. | None |
| **Disability** | There is no evidence to suggest that there would be a negative differential impact on the equality of opportunity of NIRFP applicants in relation to their disability. Applicants are asked to take account of the disability issues of participants. In the Letter of Offer the applicants must agree to specific conditions including ‘You must comply with the requirements of the Disability Act 1995, and any enactments amending, extending or replacing them.’  | None |
| **Dependants**  | There is no evidence to suggest that the lack of childcare provision / respite care would be a barrier to involvement with this scheme.  | None |

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 NIRFP applicants and is open to all not for profit organisations. Applications are welcome from all communities in both urban and rural areas and are committed to attracting new applicants by offering a more favourable rate than established projects that had received support in the past. |
| **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** |  | As above |
| **Dependants** |  | As above |

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 come together to develop their application for the next round of funding for the NIRFP. This is likely to improve trust and good relations within councils, agricultural show societies and other teams. | None |
| **Political opinion**  | As above for religious belief | None |
| **Racial group** | As above | 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 available in subsequent years of the programme, it is reasonable to assume good relations will be sustained with and beyond the funding both socially and from a business perspective. |  |
| **Political opinion**  | Yes - As above |  |
| **Racial group**  | Yes - As above |  |

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?

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| **Explain your assessment in full**Minor changes made to the existing Regional Food Programme to re-launch in 2020 will have no effect on any of the relevant groups, organisations or individuals irrespective of any Section 75 category, nor society generally, and will provide no opportunity to better promote positive attitudes towards disabled people. |

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

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| **Explain your assessment in full** The NIRFP is open for everyone and all applications will be equally valued, irrespective of disability. The funding provided by DAERA provides the applicants 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 1Article 1** | [ ]  |
| Right to education | **Protocol 1Article 2** | [ ]  |
| Right to free and secret elections | **Protocol 1Article 3** | [ ]  |

Consideration of Human Rights (cont)

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

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| 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** |
| The successful applicants in receipt of the funding will promote the completion of Section 75 monitoring forms. This data will be used to monitor any impacts on these groups that may arise because of the NIRFP funding. Where adverse or positive impacts are noted, NIRFP will introduce any mitigations deemed to be necessary. | The successful applicants in receipt of the funding will promote good relations. Where adverse or positive impacts are noted, NIRFP will introduce any mitigations deemed to be necessary. | The successful applicants in receipt of the funding will promote disability duties. Where adverse or positive impacts are noted, NIRFP will introduce any mitigations deemed to be necessary. |

Section D – Summary Sheet

Formal Record of Screening Decision

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| **Title of Proposed Policy / Decision being screened** Northern Ireland Regional Food Programme (NIRFP) 2020-2021. |

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

|  |  |
| --- | --- |
| [x]  | equality of opportunity and good relations |
| [x]  | disabilities duties; and |
| [x]  | 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.
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|  |  |
| --- | --- |
| [x]  | \* **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:

Successful applicants in receipt of the funding will promote the completion of Section 75 monitoring forms. This data will be used to monitor any impacts on these groups that may arise because of the NIRFP funding. Where adverse or positive impacts are noted, NIRFP will introduce any mitigations deemed to be necessary. |

**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 –

|  |  |
| --- | --- |
| [x]  | I have explained any technical issues in plain English (easily understood by a 12 year old) |
| [x]  | I have added evidence and explained my assessments in full |
| [x]  | I have provided a brief note to justify my decision to ‘Screen In’ or ‘Screen Out’ |
| [x]  | 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***

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| --- |
| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: Dr Roisin Lagan | Grade: 2 (DP) |
|  | Date: 17 December 2019 |
| Branch: AFSB |

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| --- |
| 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: 30/12/2019 |
| Branch: FFG |

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| 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. 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

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)