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

**Equality and Human Rights**

**Screening Template**

August 2019



**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 - [equalitydiversitypublicappointments@daera-ni.gov.uk](mailto:equalitydiversitypublicappointments@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:- Proposal to temporarily vary the arrangements for DAERA Area-based Schemes Review of Decision (RoD) panel assessments, permitting assessments to be conducted by teleconference to ensure that cases continue to be progressed in the context of the current covid-19 pandemic. |

|  |
| --- |
| Brief description of policy / decision to be screened:- This is a revision to an existing policy, due to government guidance and social distancing restrictions in relation to the covid-19 pandemic.  Since 2005, DAERA has implemented a Review of Decisions process for area-based schemes. Farmers who feel that the Department did not reach the correct decision in respect of their scheme application have access to this procedure. This process is managed by Area-based Schemes Payment Branch (ASPB).    In April 2018 the Department replaced the established two-stage process, including the option of assessment by an external panel, with a new single-stage process designed to progress cases more efficiently whilst also enhancing Case Officers’ interaction with the appellants. Following a Judicial Review challenge by the Ulster Farmers’ Union (UFU), the Department reached agreement to reinstate the independent panel stage as an optional second stage, with an increased fee of £200. Upon completion of implementation and recruitment of additional staff, the panel assessed the first cases under the modified process on 1 October 2019.  In a ‘business as usual’ context, the cases of appellants who apply for a panel assessment are discussed at a face-to-face meeting of the independent panel, which an appellant and/or their representative may attend in person. Where an appellant wishes to be present or to have a representative present, the Department makes every effort to accommodate this.  In the context of the covid-19 pandemic, ASPB proposes to conduct panel assessments remotely by video conference, using the Cisco WebEx facility. The Cisco WebEx android app and PC/laptop installation are accessible freely to appellants and panel members for use on mobile phone, tablet and computer.  There are no procurement implications for the Department as WebEx is already being utilised by Digital Services Division. There may be a minimal financial cost for the purchase of an additional licence for the Department, at approximately £80. Digital Services Division is currently exploring this.  There is no legislative implication; the Common Agricultural Policy (Review of Decisions) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 318) enable the Department to establish procedures for the review of a relevant determination made by the Department, which may include consideration by persons appointed by the Department with a view to their making a  recommendation as to how the matter should ultimately be determined.  A farmer’s rights to call for a judicial review or to refer their case to the Northern Ireland Public Services Ombudsman (NIPSO) remain unaltered. |

|  |
| --- |
| Aims and objectives of the policy / decision to be screened:- This approach aims to facilitate the progression of panel cases whilst the Department is constrained from accommodating face-to-face meetings, thus ensuring continued timely service delivery for those customers who wish to avail of the option. |

|  |
| --- |
| **On whom will the policy / decision impact?**  Consider the internal and external impacts (both actual or potential)  Staff  A member of staff will be required to facilitate the videoconferences and provide technical support. Review of Decisions staff do not currently attend panel assessments, although a member of the team is always present in the immediate vicinity to assist attendees if necessary.    service users  Appellants who are not computer literate or who have poor broadband access may be less likely to avail of the video conference option, particularly in the context of social distancing when they may be unable to access assistance in using the technology. However, the option of having their case assessed at a face-to-face panel meeting (when this is once again possible) is retained.  rural community  Appellants are generally resident in rural areas. Rural dwellers may be more likely to  have poor broadband access.  other public sector organisations  voluntary / community groups / trade unions  others, please specify  RoD independent panel members have been consulted and are willing to assess cases  via this medium.    Agents working on behalf of claimants may be nominated by appellants to attend on their  behalf. |

|  |
| --- |
| 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.*  ASPB is aware that another government body has recently adopted this approach in order to progress its own panel hearings. |

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.

|  |  |
| --- | --- |
| **Section 75 category** | **Details of evidence or information and engagement** |
| **Religious belief** | The 2011 Census of Northern Ireland states that 44.6% of people here are Protestant and 43.7% are Catholic, with 11.7% neither. The population in rural areas is slightly different with 45% Protestant, 47% Catholic and 8% neither.  In October 2018, the Department published on its website a report entitled *Equality Indicators for Northern Ireland Farmers.* This analysis was the result of a large-scale linkage project carried out under the auspices of the Administrative Data Research Centre Northern Ireland. This considered data from the 2011 NI Census and the *Northern Ireland Farm Structure Survey (2010). Equality Indicators for Northern Ireland Farmers* reports that 51% of NI farmers are Protestant and 42% Catholic. |
| **Political opinion** | The *Northern Ireland Life and Times Survey 2018* found that 26% of the population describe themselves as Unionist; 21% describe themselves as Nationalist and 50% identify as neither. 1% described their political opinion as ‘other’ and 2% stated that they did not know.  The Equality Commission (ECNI) advises that community background or religion is a reasonable proxy indicator for political opinion. As stated above, *Equality Indicators for Northern Ireland Farmers* reports that 51% of NI farmers are Protestant and 42% Catholic. |
| **Racial group** | The *2011 Census of Northern Ireland* 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.  *Equality Indicators for Northern Ireland Farmers* reports that 8% of farmers identified as an identity other than British only, Irish only or Northern Irish only. However, this figure also includes those who identified as more than one of these nationalities.  The Office of National Statistics (ONS) statistical bulletin *Internet Access Quarterly Update: Q1 2014* indicates comparatively small differences in internet use between ethnic groups in the UK; the highest rates of internet use (90%) were among adults who indicated that their ethnic group was Mixed ethnic, Chinese, Black, or other. The Pakistani ethnic group remained the group with the lowest rate of use (82%). |
| **Age** | The *2011 Census of Northern Ireland* states that the median age of the population in Northern Ireland is 37.  *Equality Indicators for Northern Ireland Farmers* reports that the average age of a farmer here is 59 years. 49% are aged 60 or over, while more than a third (35%) are aged 65 or older. Only 8% are under 40 years old.  *ONS Internet Users, UK: 2019* reports that virtually all adults (99%) aged 16-44 years in the UK were recent internet users, compared with 93.2% of 55-64 year olds and only 47% of those aged 75 and over. Of those aged 65-74, over 80% were recent internet users. |
| **Marital status** | *Equality Indicators for Northern Ireland Farmers* states that 73% of farmers are married.  The ONS’ *Internet Access Quarterly Update Q1 2011* states that adults who were single or who had never married were most likely to have used the internet (92.8%). By contrast, only 32.5% of widowed adults had used the internet. For the other legal marital statuses, there was little difference in the proportions of adults who had used the internet, at around 80%. |
| **Sexual orientation** | Information on sexual orientation was not collected in the 2011 Census.  The *NISRA Continuous Household Survey 2018-19* found that 97.6% of respondents identified as heterosexual, 0.6% as gay or lesbian, 0.6% as bisexual and 0.6% as ‘other’, while 0.5% did not know or refused to answer. |
| **Men & women generally** | The 2011 Census states that 51% of people in Northern Ireland are female and 49% are male.  *Equality Indicators for Northern Ireland Farmers* indicates that 91% of farmers here are men.  *Internet Users, UK: 2019* states thatwhile there is little difference in internet usage by men and women overall, there is still a large difference between men and women in the percentage of recent internet users in older age groups. Overall, there was also a higher percentage of women who had never used the internet at 8.7%, compared with men at 6.3%. |
| **Disability** | *Equality Indicators for Northern Ireland Farmers* states that 30% of farmers reported a long-term illness or disability which limited their daily activities.  *Internet Users, UK: 2019* found that78% of disabled adults were recent internet users. |
| **Dependants** | The 2011 Census states that 34% of households in Northern Ireland have at least one dependent child.  *Equality Indicators for Northern Ireland Farmers* reports that 40% of farm households contain dependants.  **NOTE:**  In addition to the specific evidence gathered for each category, we have considered the Department’s consultation and full Equality Impact Assessment (EQIA) Report completed in November 2016 for the move to using online as the main channel of communication with our customers.  Many of those responding to that consultation stated that internet access in rural areas of Northern Ireland was not good enough to be able to do business online. The EQIA report found that the majority of DAERA’s customers should be able to get broadband internet access at their addresses either by landline, mobile or satellite. However, a minority were unlikely to be able to do so. The proposal to conduct a panel assessment by video conference remains optional and all appellants will retain the right to await resumption of face-to-face meetings to have their case assessed. |

|  |
| --- |
| **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.* |

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** | As per the data above, a slightly larger percentage of farmers self-identify as Protestant than as Catholic.  However, this may or may not be reflected in the pool of appellants currently awaiting their independent panel assessment or likely to submit one within the duration of this process variation.  Since the inception of the new process in April 2018, the number of claimants who have applied for a review of decision is well under 1%, at 506. Of this number, only 47 of those have applied for an independent panel assessment as at 29 April 2020. 28 remain outstanding. Therefore a small number of individuals will be impacted and ASPB will work with any appellant to attempt to mitigate any concern or difficulty that they may experience.  The proposed variation does not aim to change the outcomes of the review process, but simply to offer the opportunity to progress cases while restrictions for public health reasons remain in place.  No appellant will be obliged to proceed with a video conference, but may opt to await resumption of the normal process.  We therefore believe that any impact will be minimal. | Minor |
| **Political opinion** | In line with ECNI guidance, religious belief has been considered as a proxy indicator.  Potential impact considered minimal, as above. | Minor |
| **Racial group** | As per the data gathered above, non-white ethnic groups account for 1.7% of the total population.  Potential impact considered minimal, as above. | Minor |
| **Age** | ASPB has noted the correlation between age and internet usage identified. However, the data suggests that internet usage among the age groups correlating to Northern Ireland’s farming population is still widespread.  No appellant will be obliged to proceed with a video conference, but may opt to await resumption of the usual process.  Potential impact therefore judged minimal as above. | Minor |
| **Marital status** | The majority of Northern Ireland’s farmers are married.  Potential impact considered minimal, for the reasons noted above. | Minor |
| **Sexual orientation** | Data on farmers’ sexual orientation not available. Potential impact considered minimal, as above. | Minor |
| **Men and women generally** | Although older women are less likely to have used the internet than their male counterparts, 91% of Northern Ireland’s farmers are male.  Potential impact judged minimal, as above. | Minor |
| **Disability** | 78% of disabled adults were found to be recent internet users. While some farmers reporting a disability may find it difficult to conduct the assessment via video conference, for others it may be preferable to the usual process where they would be required to travel in order to attend.  As the proposed variation remains optional, potential impact judged minimal. | Minor |
| **Dependants** | 40% of farm households are reported to contain dependants.  Some farm households may find the variation preferable to the usual process, where they would be required to travel in order to attend and would have to arrange alternative supervision or care for their dependants.  As the proposed variation remains optional, potential impact judged minimal. | 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 | The policy to provide a fair, impartial, transparent and cost-effective Review of Decisions process remains unchanged, and a farmer’s right of recourse to Judicial Review or to NIPSO remain unaltered. |
| **Political opinion** | No | As above |
| **Racial group** | No | As above |
| **Age** | No | As above |
| **Marital status** | No | As above |
| **Sexual orientation** | No | As above |
| **Men and women generally** | No | As above |
| **Disability** | No | As above |
| **Dependants** | No | 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** | The overarching RoD process has not been modified. This process is neutral with regard to promoting good relations between people of different religious beliefs, political opinion or racial groups. | None |
| **Political opinion** | As above | 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** | No | The overarching RoD process has not been modified. This process is neutral with regard to promoting good relations between people of different religious beliefs, political opinion or racial groups. |
| **Political opinion** | No | As above |
| **Racial group** | No | 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?

|  |
| --- |
| **Explain your assessment in full**  The proposal has the potential to empower disabled appellants, by enabling them to attend their panel assessment personally, when they might formerly have had to nominate a representative to attend the face-to-face assessment in their place. |

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**  The proposal has the potential to increase participation by disabled appellants, by enabling them to attend their panel assessment in person in an online capacity when they might formerly have had to nominate a representative to attend the face-to-face assessment in their place. |

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**  No adverse impact identified.  The policy to provide a Review of Decisions process remains unchanged and a farmer’s rights  to apply for a judicial review or to refer their case to NIPSO remain unaltered. |

|  |
| --- |
| 9. **Please indicate any ways which you consider the policy positively promotes human rights**  The proposal will continue to provide farmers who believe that the Department did not reach the correct decision in respect of their claim with an opportunity to demonstrate how they have met the requirements and why the decision taken at the initial Case Officer review stage should be changed. |

**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** |
| DAERA collects Section 75 monitoring data from all applicants completing the Single Application for area-based schemes. Applicants for a review of decision come from this larger group. | No specific data will be collected as the proposal will have no impact on good relations. | DAERA collects Section 75 monitoring data from all applicants completing the Single Application for area-based schemes.  Applicants for a review of decision come from this larger group. |

Section D – Summary Sheet

Formal Record of Screening Decision

|  |
| --- |
| **Title of Proposed Policy / Decision being screened** Proposal to temporarily vary the arrangements for DAERA Area-based Schemes Review of Decision (RoD) panel assessments, permitting assessments to be conducted by teleconference to ensure that cases continue to be progressed in the context of the current covid-19 pandemic. |

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 proposed variation remains optional. Appellants will still have the option to await resumption of the usual procedures and will still have the right to proceed to NIPSO or to Judicial Review if they so wish. The number of applicants for an independent panel assessment is moreover proportionally very small. We will engage with appellants and panel members before, during and after each assessment by video conference to identify any additional impacts on any group and to take remedial action as appropriate. |

**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: | Grade: DP |
| Frances Donaghy | Date: 29/04/20 |
| Branch: Area-based Schemes Payment Branch | |

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

|  |  |
| --- | --- |
| **Screening decision approved by (must be Grade 3 or above) -** | |
| Name: | Grade: 3 |
| Norman Fulton | Date: 7/5/2020 |
| 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 [equalitydiversitypublicappointments@daera-ni.gov.uk](mailto:equalitydiversitypublicappointments@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

**August 2019**



**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)