**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. 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:- Development of fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites. |

|  |
| --- |
| **Brief description of policy / decision to be screened:-** The Department intends to introduce management measures for Marine Protected Areas (MPAs) to conserve and protect habitats and species of national and international importance. This will ensure protected features are afforded the necessary safeguards, and ensure that existing uses and activities within protected areas are managed at sustainable levels. The introduction of fisheries management measures will be also be required to establish scallop enhancement sites.The seas around Northern Ireland have a wide variety of marine wildlife and contain rich and varied habitats that support a diverse abundance of living organisms. As an island-based society, the sea has always had an important role to play, offering a source of recreation and a place of work to many.The majority of activities that take place at sea are subject to some form of regulatory mechanism. To protect the Northern Ireland marine environment and its biodiversity, the Department has established a network of Marine Protected Areas (MPAs) in the inshore region. There are now 48 MPAs, occupying 38% of the inshore region, and a recent Joint Nature Conservation Committee (JNCC) assessment of the network concluded that the current suite is very close to delivering an ecologically coherent network in Northern Ireland.Well managed Marine Protected Area (MPA) networks are recognised internationally as one of the ways of protecting our marine environment and international commitments have been made accordingly. The UN Sustainable Development Goals (SDG) are the blueprint to achieving a better and more sustainable future for all, and specifically, SDG 14 relates to life below water and how the world’s oceans are managed. There are 10 agreed targets for SDG 14 and the following can directly be linked to MPAs:* By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans
* By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information.
 |

|  |
| --- |
| Aims and objectives of the policy / decision to be screened:- 1. To introduce fisheries management measures to protect designated features within Marine Protected Areas (MPAs) within the Northern Ireland inshore region2. To introduce fisheries management measures to establish and protect scallop enhancement sites in the Northern Ireland inshore region, by prohibiting demersal mobile gear fishing within these areas DAERA Marine and Fisheries Division is responsible for the promotion, protection, enhancement and sustainable use of all fish stocks inland and at sea (including aquaculture and fish health), and the marine environment, through legislation, planning, licensing, monitoring and conservation activities. The latest assessments for both the Marine Strategy Framework Directive (MSFD) and Habitats Directive have identified that overall our benthic habitats are not reaching the required status and DAERA is committed to completing a well-managed MPA network to support the recovery of benthic habitats.Fisheries Regulations have already been introduced for Rathlin and Strangford Lough SACs and recent surveys are showing evidence of recovery where fisheries management has been introduced. The most recent Rathlin Dive survey in 2019 helped demonstrate that the prohibition of towed demersal gear has led to recovery of sensitive taxa including sponges, bryzoans and anemones. In Strangford Lough, the status of Modiolus beds has improved from ‘Unfavourable - declining’ to ‘Unfavourable - recovering’.There are important fisheries that occur within MPAs and this consultation sets out management options that the Department considers are necessary to ensure it meets all duties and obligations that relate to this activity. The introduction of these management measures will contribute to draft Programme For Government (PFG)Outcome 2: to live and work sustainably –protecting the environment, and increase the protected area under favourable management (PfG Biodiversity indicator).These management measures, together with measures for other marine activities, will be incorporated into the Regional MPA management plans that are being produced by the Interreg Va MarPAMM project. In relation to the Scallop enhancement sites, the NI Scallop Association approached DAERA to facilitate the prohibition of demersal mobile gear fishing in these areas, thus the introduction of fisheries management is required to provide protection from demersal mobile gear fishing.   |

|  |
| --- |
| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) Staff (in implementing and monitoring);X service users      rural community (located near, interested in or use the marine area);Xother public sector organisations     voluntary / community groups / trade unions     Xothers (anyone with an interest in or who uses the marine area).People fishing in the NI inshore region, those working in the inshore catching sector, fish producer organizations and fish processors. |

|  |
| --- |
| Are there linkages to other NI Departments / NDPBs? The implementation of the proposed fisheries management measures for Northern Ireland Marine Protected Areas will require enforcement by DAERA’s fisheries officers. Offences could lead to prosecution through the NI Court Service where there is a link to the Department of Justice. |

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.

* **2011 Northern Ireland Census**
* **2013 NI Life and Times Survey 2013**
* **2017 (Seafish) Pilot Survey of Employment in the UK Fishing Fleet. This pilot survey was conducted on behalf of the Marine Management Organisation and Marine Scotland to test the data collection methodology ahead of full employment surveys, as required under the EU’s Data Collection Framework. The survey collected data on the gender, age, education level, nationality and employment status of people working in the UK catching sector. The figures were representative of 7% of active vessels and 7% of jobs in the UK fishing fleet in 2016.**

[**https://www.seafish.org/media/publications/Seafish\_2017\_Pilot\_fleet\_employment\_survey\_report\_FULL.pdf**](https://www.seafish.org/media/publications/Seafish_2017_Pilot_fleet_employment_survey_report_FULL.pdf)

|  |  |
| --- | --- |
| **Section 75 category**  | **Details of evidence or information and engagement** |
| **Religious belief**  | The 2011 Census of Northern Ireland found that 45% of the population were either Catholic or brought up as catholic, while 48% belonged to or were brought up in Protestant, Other Christian or Christian-related denominations. A further 0.9% belonged to or had been brought up in other religions or philosophies, while 5.6% neither belonged to, nor had been brought up in, a religion.The census further recorded that in rural communities, 53% of households recorded a head of household as following (or being brought up in) the Protestant or other Christian religious belief, with 45% following or being brought up in the catholic belief. 3% recorded their religion as other or none.Analysis undertaken by NISRA in respect of the Census results on religious belief/upbringing, identified that the industry sector which displayed the highest share of Protestants among people aged 16-74 in employment was agricultural, forestry and fishing; for which 64% were or had been brought up as Protestants, compared with 34% as Catholics.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons of different religious beliefs. |
| **Political opinion**  | The Northern Ireland life and Times Survey 2013 found that 25% of the NI population describe themselves as nationalist, 29% as unionist and 43% held neither political opinion. There is no data on the political opinion of those in the fishing industry other than by using a proxy. As noted above, 52% of the rural population recorded a head of household following the Protestant or other Christian belief, with 45% following the Catholic belief.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons with different political opinions. |
| **Racial group**  | The 2011 Census found that over 98% of the population state their ethnic origin to be white. In rural areas, the population is almost entirely classified as white (99.4%).The Seafish pilot survey of 2017 gathered data from a sample of 313 UK Fishing vessels (22 from NI) and 914 jobs (89 in NI). This survey found that more than three quarters of the jobs in this sample were filled by UK citizens, 10% by other EU Nationals and 13% by Non EEA nationals (the majority from the Phillippines, and to a lesser extent Ghana and India).The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons of different race. |
| **Age**  | The 2011 Census showed that around 25% of the population was 55 years or older and around 47% were under 35 years old.The Seafish pilot survey reported that the average of all workers was 42 and the age profile in the sample varied by job position, with younger people working as deckhands, whilst skippers and owners were in older age groups.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons of different age. |
| **Marital status**  | The 2011 census showed that around 48% of the population were married or in a civil partnership, and 36% were single.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons of different marital status. |
| **Sexual orientation** | There is no data in the number of lesbian, gay or bisexual persons in NI as the census did not ask people to define their sexuality.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons of different sexual orientation. |
| **Men & women generally** | The 2011 Census showed that 51% of the population was male and 49% female.The Seafish pilot survey reported that almost all of the jobs in the sample were filled by male workers; females occupying 2%.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons of different gender. |
| **Disability** | The 2011 Census showed that around 12% of the population found their day to day activities to be limited a lot due to a disability and around 9% found their activities limited a little.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons with a disability. |
| **Dependants** | The 2011 Census showed that 34% of family households contained dependent children.The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites are aimed at facilitating the sustainable development of the marine area that will be applied uniformly across all Section 75 categories without prejudice. Information has been gathered on economic, environmental and social factors on a sectoral basis. There is no evidence, to date, that these measures will impact negatively or discriminate towards persons with or without dependants. |

|  |
| --- |
| **No evidence held? Outline how you will obtain it:** Evidence has not been gathered specifically in the relation to the interaction of Section 75 groups with the proposed fisheries management measures for Northern Ireland Marine Protected Areas. Engagement to date with the general public has raised no issues regarding impacts on Section 75 groups. The impact of the proposals will continue to be monitored and reviewed and we would welcome comments from representatives of any of the Section 75 groups. Any Section 75 issues raised during the public consultation process will be considered by the Department.  |

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** | The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites will not impact on individuals within this section 75 category.The evidence base and ongoing stakeholder engagement does not suggest that there will be are any likely adverse impacts. The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites will be applied uniformly across all Section 75 categories. | None |
| **Political opinion**  | None |
| **Racial group**  | None |
| **Age** | None |
| **Marital status**  | None |
| **Sexual orientation** | None |
| **Men and women generally**  | None |
| **Disability** | None |
| **Dependants**  | 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** | None identified | There is no evidence available to date of any opportunity to better promote equality of opportunity for these Section 75 groups. This will be reviewed should any equality issues be brought to our attention during the public consultation stage. |
| **Political opinion**  | None identified |
| **Racial group**  | None identified |
| **Age** | None identified |
| **Marital status** | None identified |
| **Sexual orientation** | None identified |
| **Men and women generally**  | None identified |
| **Disability** | None identified |
| **Dependants** | None identified |

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** |  | None |
| **Political opinion**  |  | None |
| **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** |  | There is no available evidence to date, of any opportunity to better promote equality of opportunity for these Section 75 groups. This will be reviewed should any equality issues be brought to our attention during the public consultation stage. |
| **Political opinion**  |  |
| **Racial group**  |  |

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?

|  |  |
| --- | --- |
| There is no evidence to date of any opportunity for the proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites to better promote positive attitudes towards disabled people. This will be reviewed should any disability issues be brought to our attention during the public consultation stage. |  |

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

|  |  |
| --- | --- |
| There is no evidence to date of any opportunity for the proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites to actively increase the participation by disabled people in public life. |  |

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)

|  |
| --- |
| 8. **Please explain any adverse impacts on human rights that you have identified** Human Rights have been considered and no adverse impacts on human rights have been identified. The policy will be applied on an equal basis and does not discriminate against any of the groups listed in Article 14 of the European Convention on Human Rights / Human Rights Act (1998).  |

|  |
| --- |
| 9. **Please indicate any ways which you consider the policy positively promotes human rights** The proposed fisheries management measures for Northern Ireland Marine Protected Areas and the establishment of scallop enhancement sites do not positively promote human rights beyond the provisions of existing sectorial policies and the UK MPS. |

**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** |
| N/A at current time | N/A at current time | N/A at current time |

Section D – Summary Sheet

Formal Record of Screening Decision

|  |
| --- |
| **Title of Proposed Policy / Decision being screened** The proposed fisheries management measures for Northern Ireland Marine Protected Areas |

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 |

|  |  |
| --- | --- |
| [x]  | \***Screened Out** – No EQIA necessary (no impacts)Provide a brief note here to explain how this decision was reached:* The implementation of the proposed fisheries management measures for Northern Ireland Marine Protected Areashave been screened out.
* This decision is primarily based on the common answers to the questions on the potential impact on those within section 75 groups.
* The answers did not show any adverse impact on any groups.
* Finally, the proposals do not indicate any adverse impacts on human rights.
 |

|  |  |
| --- | --- |
| [ ]  | \* **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:
 |

**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***

|  |
| --- |
| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: CIARAN MAGEE | Grade: STAFF OFFICER |
|  | Date: 10/11/2020 |
| Branch: Marine Conservation and Reporting |

|  |
| --- |
| Signature:  |

|  |
| --- |
| **Screening decision approved by (must be Grade 3 or above) -** |
| Name: David Small | Grade: 3 |
|  | Date: 11th November 2020 |
| Branch: EMFG |

|  |
| --- |
| Signature:  |

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. 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

**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)