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

**Equality and Human Rights**

**Screening Template**

**DAERA consents for a Gas Storage Development under Larne Lough in the Islandmagee area**

 

**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: DAERA consents for a Gas Storage Development below Larne Lough in the Islandmagee area. The decision relates to the issue of an Environmental Impact Assessment consent decision and draft marine licence. This screening also applies to a review of a water abstraction licence and a water discharge consent originally issued in 2014 for the proposed development. As the consents are for the same development, DAERA has adopted a coordinated approach to the consenting process in the interests of joined up government. |

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| Brief description of policy / decision to be screened:-      The Islandmagee gas storage development involves the construction of 7 salt caverns under Larne Lough capable of storing 500 million cubic meters of natural gas. Construction involves carving out the caverns from a salt layer more than 1km below the seabed using pressurised and heated seawater abstracted from the North Channel and piped across Islandmagee. The concentrated brine effluent produced from this carving process would be pumped back across Islandmagee and discharged into the sea via diffuser heads on the seabed. This will impact a small area of seabed <100m radius from the discharge pipe. The project includes the design and construction of a surface brine pumping facility, a gas compression facility, associated gas pipelines, a brine and seawater pipeline and associated infrastructure.Planning permission was granted for the terrestrial aspects of the development in October 2012. The initial applications for the DAERA statutory consents were received in 2012. A draft marine construction licence, water abstraction licence and a discharge consent were issued under powers contained in the Marine and Coastal Access Act 2009, the Water (Northern Ireland) Order 1999 and the Water Abstraction and Impoundment Licensing Regulations (Northern Ireland) 2006 respectively. An environmental impact assessment was also required under the Marine Works (Environmental Impact Assessment) Regulations 2007 as amended in 2011. There was no contact from the applicant until 2018 when they indicated they wished to proceed with the development and entered into further discussions with the Department. Following legal advice, DAERA decided to treat the earlier applications as not withdrawn. However, an additional public consultation on the marine licence application, environmental statement and supplementary information was required to update data and to take account of more recent designations of a Special Area of Conservation for the protection of the Harbour porpoise in the North Channel and Special Protection Area for birds. Please see (<https://www.daera-ni.gov.uk/consultations/islandmagee-gas-storage-project-december-2019-consultation-ml-2812> Similarly, a further consultation on a review of the water abstraction licenceand water discharge consent was undertaken**,** please see<https://www.daera-ni.gov.uk/consultations/islandmagee-gas-storage-project-December-2020-consultation-AIL%20%26%20Consent%20to%20Discharge> A joint response to the consultations will be published on our website and the issues raised are reflected in the licence conditions. No equality issues were raised.The applicant has advised that the cost of the project is confidential. There are no financial or procurement implications for DAERA. |

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| Aims and objectives of the policy / decision to be screened:-      DAERA’s objective in this instance is to license the sustainable use of the marine environment. In delivering this function DAERA contributes towards a number of the 12 outcomes published in the 2019 Executive Outcomes Delivery Plan. The Islandmagee gas storage project is likely to contribute to Outcomes 1 (we prosper through a strong, competitive, regionally balanced economy), 2 (we live and work sustainably) and 10 (we have created a place where people want to live and work, to visit and invest) of the 2019 Outcomes Delivery Plan. |

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| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) Staff       service usersXWhile not considered necessary to ensure security of supply, the creation of an additional gas storage facility the decision may enhance the security of electricity supply in the UK and Ireland.  rural communityX Residents in the rural community of Islandmagee mainly oppose the project and have raised concerns around potential negative impacts on tourism, bathing water quality and health and safety which will be addressed in the licence/consent conditions.other public sector organisationsXA number of statutory consents from other bodies are required for the development to become operational including the Utility Regulator, HSENI and The Crown Estate.voluntary / community groups / trade unions     others, please specify |
|  |

|  |
| --- |
| Are there linkages to other NI Departments / NDPBs? Yes, a number of additional consents are required before work on the Islandmagee gas storage project can begin. These include: consents under the Gas (NI) Order 1996 from the Utility Regulator and Health and Safety Executive (NI).  |

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**  | A consultation with statutory bodies and the public was undertaken on the marine licence application, the environmental statement as required under the Marine Works (EIA) Regulations 2007 (as amended). The public were also consulted on the review of the discharge consent and abstraction licence. There was no evidence to suggest that the decisions would have any impact on people in terms of their religious belief. |
| **Political opinion**  | As above. |
| **Racial group**  | As above. |
| **Age**  | A request for an extension to the consultation on the marine license application and environmental statement which ran from 7th December 2019 to 27th March 2020 was received. This was made on the basis that government recommendation for certain groups to self-isolate during the Covid 19 pandemic may have impacted on the ability of the elderly and other vulnerable groups to make postal responses. DAERA is mindful of its responsibilities under Section 75 of the Northern Ireland Act and in order to ensure that vulnerable persons who had to self-isolate during the initial lockdown had the opportunity to make representations, DAERA offered the opportunity to submit written responses to the consultation between 10 December 2020 and 31 December 2020. A number of responses were received and in the absence of further correspondence on the matter it is assumed that the mitigation action has been successful.  |
| **Marital status**  | As above. |
| **Sexual orientation** | As above. |
| **Men & women generally** | As above. |
| **Disability** | As above. |
| **Dependants** | As above. |

|  |
| --- |
| **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.*Apart from the request to extend the consultation to allow vulnerable groups to make postal representation due to the Covid-19 emergency there were no issues raised in connection with any Section 75 groups. This issue has been addressed by the Department. If a future need is identified DAERA would endeavour to collect data. |

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** | According to the 2011 census 45 percent of the population were either Catholic or brought up as Catholic, while 48 percent belonged to or were brought up in Protestant, Other Christian or Christian-related denominations. A further 0.9 per cent belonged to or had been brought up in Other Religions and Philosophies, while 5.6 per cent neither belonged to, nor had been brought up in, a religion. Islandmagee is in the constituency of East Antrim. According to the Northern Ireland Assembly Constituency Profile of East Antrim in December 2013 20.4% of the population were either Catholic or brought up as Catholic, while 70.1 percent belonged to or were brought up in Protestant, Other Christian or Christian-related denominations. A further 1 percent belonged to or had been brought up in Other Religions and Philosophies, while 8.5 percent neither belonged to, nor had been brought up in, a religion.The population of **Mid And East Antrim** local government area is projected to increase to **141,821** by mid 2028.DAERA is not aware of any likely impact on people in terms of their religious belief although there is an above average representation of the protestant and other religions community in the area.  | None |
| **Political opinion**  | DAERA is not aware of any likely impact on people in terms of their political opinion. | None |
| **Racial group**  | According to the 2011 census 1.8 percent of the usually resident population of Northern Ireland belonged to minority ethnic groups. DAERA is not aware of any likely impact on people in terms of their racial/ethnic grouping. | None |
| **Age** | DAERA is not aware of any likely impact of the decision on people in terms of their age. | None |
| **Marital status**  | DAERA is not aware of any likely impact of the decision on people in terms of their marital status. | None |
| **Sexual orientation** | DAERA is not aware of any likely impact of the decision on people in terms of their sexual orientation. | None |
| **Men and women generally**  | DAERA is not aware of a differential impact on men and women generally. | None |
| **Disability** | Data from the 2011 census suggests that 20.6 percent of the population reported that their day to day activities were limited because of a long-standing health problem or disability. DAERA is not aware of any likely impact of the decision on people who have a disability. Concerns have been raised around the health and safety aspects of the project. These will be subject to a legislative framework for which the Health and Safety Executive Northern Ireland (HSENI) is responsible and to which the developer must comply. These include compliance with the Control of Major Accident Hazards Regulations (Northern Ireland) 2015; the Construction (Design and Management) Regulations (NI) 2016 the Offshore Installations and Wells (Design and Construction, etc.) Regulations (NI) 1996.  | None |
| **Dependants**  | DAERA is not aware of any likely disproportionate impact of the decision on people who have or have not got dependents. | 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, the decision is to license the marine aspects of a development. |
| **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** | None, the decision involves the licensing of the marine elements of a development. | None |
| **Political opinion**  | None, the decision involves the licensing of the marine elements of a development. | None |
| **Racial group** | None, the decision involves the licensing of the marine elements of a development. | 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 decision involves the licensing of the marine elements of a development. |
| **Political opinion**  |  | No, the decision involves the licensing of the marine elements of a development. |
| **Racial group**  |  | No, the decision involves the licensing of the marine elements of a development. |

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** No issues were raised during the consultations around people with a disability. The DAERA consents for the proposed development do not provide an opportunity for DAERA to better promote positive attitudes towards people with a disability. |

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

|  |
| --- |
| No issues were raised during the consultations around people with a disability. The proposed issue of DAERA consents for the proposed development do not provide an opportunity for DAERA to actively increase participation by people with a disability 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)

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| --- |
| 8. **Please explain any adverse impacts on human rights that you have identified** No adverse impact on Human Rights have been identified. One respondent commented that when there are serious risks to life, safety and property, there is an obligation imposed on the relevant Minister to conduct a human rights compliant investigation prior to a project being granted approval. The health and safety aspects of the project are addressed through a legislative framework for which the Health and Safety Executive Northern Ireland (HSENI) is responsible and to which the developer must comply. These include compliance with the Control of Major Accident Hazards Regulations (Northern Ireland) 2015; the Construction (Design and Management) Regulations (NI) 2016 the Offshore Installations and Wells (Design and Construction, etc.) Regulations (NI) 1996. DAERA will include an informative on the marine licence to this effect. |

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| 9. **Please indicate any ways which you consider the policy positively promotes human rights** The policy does not create any opportunity to promote Human Rights |

**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 decision to issue an Environmental Consent Decision and draft marine licence, reviewed abstraction licence and discharge consent in respect of the construction aspects of the Islandmagee gas storage development is unlikely to impact on people in terms of equality.  | The decision to issue an Environmental Consent and draft marine licence, reviewed abstraction licence and discharge consent in respect of the construction aspects of the Islandmagee development is unlikely to impact on people in terms of good relations.  | The decision to issue an Environmental Consent and draft marine licence, reviewed abstraction licence and discharge consent in respect of the construction aspects of the Islandmagee development is unlikely to impact on people in terms of disability duties.  |
| The decision is specific to a particular project. However, if a particular need is identified DAERA would collect data on its equality duties. | If a particular need is identified DAERA would collect data on its duty to promote good relations. | The decision is specific to a particular project. However, if a particular need is identified DAERA would collect data on its disability duties. |

Section D – Summary Sheet

Formal Record of Screening Decision

|  |
| --- |
| **Title of Proposed Policy / Decision being screened** The issue of DAERA consents for a Gas Storage development under Larne Lough in the Islandmagee area. The decision relates to the issue of an Environmental consent decision, draft marine licence and revised water abstraction licence and a water discharge consent for the Islandmagee gas storage development.  |

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 decision to award DAERA consents for this strategic energy project will not have impacts on any particular S75 group. No section 75 issues were raised during the consultations on the consent decisions. The issues raised by the community which mainly relate to the impact of the project on the environment and concerns around health and safety aspects have been considered by DAERA and responded to via response documents which will be made available on the DAERA website. The views of the local community have been used to inform the conditions of the DAERA consents, for instance, an Environmental Monitoring Plan (EMP) will be agreed and overseen by a group of scientific experts. This will be included as a condition of the marine licence. Concerns raised in respect of fishing will be addressed via a condition on the marine licence that impact zone of the proposed discharge can only affect a relatively small area of sea.The risk of a major accident associated with accidental releases of gas (i.e. fires or explosions) was also raised during the consultation. The marine licence will contain informatives ( clauses within the marine licence which require the licence holder to abide by other statutory regimes) to ensure that relevant consents required from the Health and Safety Executive must be in place before construction can proceed and operation will be controlled by the adoption of established industry standards and relevant good practice.  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:
 |

**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: Susan Cramer | Grade: DP |
|  | Date: 30/03/2021 |
| Branch:      Marine Strategy and Licensing Branch |

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

|  |
| --- |
| **Screening decision approved by (must be Grade 3 or above) -** |
| Name:       | Grade: G3 |
| **Tracey Teague** | Date: 30/3/21 |
| Branch:       |

|  |
| --- |
| Signature: please insert a scanned image of your signature belowC:\Users\1030338\Desktop\T Teague signature.jpg |
| Screening decision approved by (must be Grade 3 or above) - |
| Name:       | Grade:       |
| **David Small** | Date:       |
| Branch:       |

|  |
| --- |
| 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. 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)