

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

**Equality and Human
Rights
Screening Template**



Department of
**Agriculture, Environment
and Rural Affairs**

www.daera-ni.gov.uk

DAERA Equality and Human Rights Screening Template

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

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



DAERA Screening
Guidance - Updated

The accompanying Screening Guidance note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties and what they mean in practice is available on the Equality Commission's website.

Please note: Only plain English 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.

[Type here]

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:

European Union (Withdrawal Act) 2018 (EUWA) amendments to the Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010, the Marketing of Bananas Regulations (Northern Ireland) 2019 and to the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019.

Brief description of policy / decision to be screened:

Drafting of amendments to the Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010, the Marketing of Bananas Regulations (Northern Ireland) 2019 and to the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 in order to fix deficiencies in this EU-derived legislation to ensure that it will remain operable following the UK's exit from the EU.

Aims and objectives of the policy / decision to be screened:

(What is the policy trying to achieve?) *If you do not know you must seek advice from the project manager prior to completing this document.*

The European Union (Withdrawal) Act 2018 (“the 2018 Act”), repeals the European Communities Act 1972 (ECA) on the day the United Kingdom (UK) leaves the European Union (EU). The 2018 Act also converts EU law as it stands at the moment of exit, into UK domestic law, and preserves UK laws made under the ECA to implement EU obligations. Powers in the 2018 Act enable amendments to EU Law to ensure that such legislation can work properly in the context of the UK post EU Exit (when it will become known as ‘EU retained legislation’). The 2018 Act also allows for amendments to the domestic legislation that implements and enforces EU obligations here (either directly in Northern Ireland, or across the UK). The aim is to ensure a smooth transition and provide certainty for stakeholders after EU Exit day. The 2018 Act limits the changes that can be made to legislation to those that ensure operability of the legislation post EU Exit.

Amendments are proposed to the following domestic regulations:

- The Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010
- The Marketing of Bananas Regulations (Northern Ireland) 2019
- The Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019

The proposed amendments do not introduce any new policy in these areas and simply ensure that existing legislation will work after EU Exit (in a no deal scenario) in the same way as it does now.

It is proposed to make a small number of amendments to the legislation listed above.

The amendments to the bananas and fresh horticulture products regulations are very minor and simply replace reference to the “European Union” with “United Kingdom”, and remove a

requirement to provide information to the European Commission, to reflect that that UK is no longer in the EU. They also remove references to “community marketing standards”, which is replaced with “marketing standards”, as defined by the EU legislation to which they relate. Transitional arrangements are also made to the Marketing of Fresh Horticultural Produce Regulations (Northern Ireland) 2011 for immediately after exit day.

One small amendment is proposed to the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019. This relates to the Poultrymeat Regulations (Northern Ireland) 2011 and amends reference to the United Kingdom to make it clear that this includes the Channel Islands and the Isle of Man.

On whom will the policy / decision impact?

Consider the internal and external impacts (both actual or potential)

- Staff
- service users
- rural community
- other public sector organisations
- voluntary / community groups / trade unions
- others, please specify

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.*

Not applicable.

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	<p>The 2011 Census of Northern Ireland found that 45 per cent of the population were either Catholic or brought up as Catholic, while 48 per cent 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 religion¹.</p> <p>The Census further recorded that in rural communities, 52% 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.²</p> <p>Analysis undertaken by NISRA in respect of the Census results detailed 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 per cent were or had been brought up as Protestants, compared with 34 per cent as Catholics³.</p>
Political opinion	<p>The Northern Ireland Life and Times Survey 2013⁴ found that 25% of the Northern Ireland population describe themselves as nationalist, 29% as unionist and 43% held neither political opinion.</p> <p>There is no data on the political opinion of farmers other than by using Religious Belief as 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.</p>
Racial group	<p>The 2011 Census found that over 98% of the population state their ethnic origin to be white⁵; in rural areas, the population is almost entirely classified as white (99.4%).</p>

¹ Table KS212 <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf>

² Census 2011 Table QS220 (Accessed via DARD Archived website : <http://webarchive.proni.gov.uk/20151028131413/http://www.dardni.gov.uk/index/statistics/rural-statistics/statistics-people-and-households/statistics-census-2011.htm>)

³ <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-detailed-characteristics-statistics-bulletin-16-may-2013.pdf>

⁴ Source: http://www.ark.ac.uk/nilt/2013/Political_Attributes/UNINATID.html

⁵ Table KS201 <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf>

<p>Age</p>	<p>The 2011 Census showed that around 25% of the population was 55 years or older and around 47% were under 35 years old⁶.</p> <p>The EU Farm Structure Survey 2016⁷ showed that the median age for farmers in Northern Ireland in 2016 was 53 years. However, only 6% of farmers were under 35 years old, and only 1% under the age of 25.</p>
<p>Marital status</p>	<p>The 2011 Census showed that around 48% of the population were married or in a civil partnership, and 36% were single.⁸</p> <p>The 2016 EU Farm Structure Survey, which found that 30% of all NI farmers had no spouse⁹.</p>
<p>Sexual orientation</p>	<p>There are no data on the number of lesbian, gay or bisexual (LGB) persons in NI as no national census has ever asked people to define their sexuality.</p> <p>However, according to the 2013 NI Life and Times Survey (NILT), 96% of people in NI are heterosexual and 1% are homosexual¹⁰. There is no data on the sexual orientation of farmers.</p>
<p>Men & women generally</p>	<p>The 2011 Census showed that 51% of the population were male and 49% female.</p> <p>The 2016 EU Farm Structure Survey showed that 96%¹¹ of farmers in Northern Ireland are male. It also identified that female workers accounted for 24% of the total workforce¹² and 5% of farms were managed by women¹³. It also showed that, where a farmer has a spouse, 48% of those spouses contributed to the work on the farm¹⁴. Research has further shown that “up to 50% or more of women [on farms] work off the farm and in many cases, the primary motivation is to provide supplemental income to the farm income, in order to continue farming”¹⁵.</p> <p>The NI Census of Employment 2013¹⁶ also showed that males dominated full-time jobs in the wider Agriculture, Forestry and Fishing sector.</p>

⁶ Table KS102 <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf>

⁷ Table 3.5, <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf>

⁸ Table KS103 <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf>

⁹ Table 3.3, <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf>

¹⁰ Source: <http://www.ark.ac.uk/nilt/2013/Background/ORIENT.html>

¹¹ Table 3.1, <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf>

¹² Table 2.6, <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf>

¹³ Table 4.3, <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf>

¹⁴ Page 17, para 3.3, <https://www.daera-ni.gov.uk/sites/default/files/publications/daera/17.18.088%20EU%20Farm%20Structure%20Survey%202016%20V2.pdf>

¹⁵ Source: Shorthall, S. (2003). Women in Rural Areas in NI: A Policy Discussion Document. The Rural Community Network NI, Cookstown

¹⁶ https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2013_census_of_employment_statistics_bulletin.pdf - Table: Census Disaggregated into Standard Industrial Classification

	The food & drink manufacturing sector is also male dominated. The 2013 Census of Employment showed that 68% of total jobs in food manufacturing and 80% of total jobs in the manufacturing of beverages are occupied by males ¹⁷ .
Disability	<p>The 2011 Census of Northern Ireland 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 little¹⁸.</p> <p>The 2001 Farmers and Farm Families in Northern Ireland Survey¹⁹ concentrated on long term health of farmers. Around 19% of farmers reported a long term illness or disability which limited their work to some extent. A further 7% reported a disability which did not limit their work activities. The 2001/02 Survey showed that the incidence of disability was similar across all farm types.</p>
Dependants	<p>The 2011 Census of Northern Ireland showed that 34% of family households contained dependent children²⁰.</p> <p>The 2001 Farmers and Farm Families in Northern Ireland Survey²¹ revealed that a higher proportion of farm families included one or more dependants;</p> <ul style="list-style-type: none"> • 39% with children under 16 or 16-18 in full time education • 14% with a member claiming a disability related benefit; • 32% with a household member aged 65 or over; and • 73% with any of the 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.*

Based on the available evidence detailed above in section B, and given that the proposed amendments to NI domestic legislation are purely technical, and minor, to ensure operability after EU exit, there is no other relevant evidence for DAERA to consider.

Each of the Regulations that is being amended was also considered for equality impact. In each case it was concluded that the legislation would have no impact on equality or human rights. As the proposed amendments make only minor drafting changes to the Regulations listed above to ensure operability after EU Exit, the Department remains satisfied that there would no further impacts as a result.

However, DAERA will draw attention to this screening document as published on www.daera-ni.gov.uk within a consultation on the proposed amendments.

¹⁷https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2013_census_of_employment_statistics_bulletin.pdf - Table: Census Disaggregated into Standard Industrial Classification

¹⁸ Table KS301 <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf>

¹⁹ Page 92, <https://www.daera-ni.gov.uk/sites/default/files/publications/dard/farmers-and-farm-families-in-northern-ireland.pdf>

²⁰ Table KS105 <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-northern-ireland-report-11-december-2012.pdf>

²¹ Page 13, <https://www.daera-ni.gov.uk/sites/default/files/publications/dard/farmers-and-farm-families-in-northern-ireland.pdf>

Stakeholders will be asked for comments. The assessment will be updated as necessary following the completion of the consultation.

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	<p>None – in making existing legislation operable after EU Exit day, the proposed amendments do not introduce new policy change; amendments made are minor drafting changes such as omitting references to ‘Community’ to reflect that the UK will no longer be a Member State.</p> <p>The proposed amendments will therefore have no effect on any of the relevant groups (nor society more generally), organisations or individuals irrespective of any Section 75 category and no impact on equality of opportunity.</p>	None
Political opinion	As above	None
Racial group	As above	None
Age	As above	None
Marital status	As above	None
Sexual orientation	As above	None

Men and women generally	As above	None
Disability	As above	None
Dependants	As above	None

2. 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	N/A	<p>None – in making existing legislation operable after EU Exit day, the proposed amendments do not introduce new policy change; amendments made are minor drafting changes such as omitting references to ‘Community’ to reflect that the UK will no longer be a Member State.</p> <p>The proposed amendments will therefore have no effect on any of the relevant groups (nor society more generally), organisations or individuals irrespective of any Section 75 category and unfortunately provide no opportunity to promote equality of opportunity.</p>
Political opinion	N/A	As above
Racial group	N/A	As above
Age	N/A	As above
Marital status	N/A	As above

Sexual orientation	N/A	As above
Men and women generally	N/A	As above
Disability	N/A	As above
Dependants	N/A	As above

3. 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	<p>None – in making existing legislation operable after EU Exit day, the proposed amendments do not introduce new policy change; amendments made are minor drafting changes such as omitting references to ‘Community’ to reflect that the UK will no longer be a Member State.</p> <p>The proposed amendments will therefore have no effect on any of the relevant groups (nor society more generally), organisations or individuals irrespective of any Section 75 category and will have no impact on good relations.</p>	None
Political opinion	As above	None
Racial group	As above	None

4. 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	N/A	<p>None – in making existing legislation operable after EU Exit day, the proposed amendments do not introduce new policy change; amendments made are minor drafting changes such as omitting references to ‘Community’ to reflect that the UK will no longer be a Member State.</p> <p>The proposed amendments will therefore have no effect on any of the relevant groups, organisations or individuals irrespective of any Section 75 category (nor society more generally) and unfortunately provide no opportunity to promote good relations.</p>
Political opinion	N/A	As above
Racial group	N/A	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

No.
 In making existing legislation operable after EU Exit day, the proposed amendments do not introduce new policy change; amendments made are minor drafting changes. The amendments will therefore have no effect on any of the relevant groups, organisations or individuals irrespective of any Section 75 category (nor society more generally) and provide no opportunity to promote positive attitudes towards disabled people.

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

Explain your assessment in full

No.

In making existing legislation operable after EU Exit day, the amendments do not introduce changes, other than minor drafting changes to ensure legislation remains operable after EU Exit, such that the new legislation will have no bearing on the participation of 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	<input type="checkbox"/>
Prohibition of torture, inhuman or degrading treatment	Article 3	<input type="checkbox"/>
Prohibition of slavery and forced labour	Article 4	<input type="checkbox"/>
Right to liberty and security	Article 5	<input type="checkbox"/>
Right to a fair and public trial	Article 6	<input type="checkbox"/>
Right to no punishment without law	Article 7	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	Article 8	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	Article 9	<input type="checkbox"/>
Right to freedom of expression	Article 10	<input type="checkbox"/>

Right to freedom of peaceful assembly and association	Article 11	<input type="checkbox"/>
Right to marry and to found a family	Article 12	<input type="checkbox"/>
The prohibition of discrimination	Article 14	<input type="checkbox"/>
Protection of property and enjoyment of possessions	Protocol 1 Article 1	<input type="checkbox"/>
Right to education	Protocol 1 Article 2	<input type="checkbox"/>
Right to free and secret elections	Protocol 1 Article 3	<input type="checkbox"/>

Consideration of Human Rights (cont)

8. Please explain any adverse impacts on human rights that you have identified

N/A.

In making existing legislation operable after EU Exit day, the proposed amendments do not introduce policy changes, other than minor drafting changes to ensure legislation remains operable after EU Exit, such that new legislation will have no adverse impact on human rights.

9. Please indicate any ways which you consider the policy positively promotes human rights

N/A.

In making existing legislation operable after EU Exit day, the amendments to legislation do not introduce policy changes, other than minor drafting changes to ensure the legislation remains operable after EU Exit, such that new legislation will provide no opportunity to positively 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
<p>Since the amendments do not introduce policies it is not necessary to monitor their specific impact on equality. However, DAERA will publish this Assessment on www.daera-ni.gov.uk with the consultation on the proposal for the amendments to regulations. Stakeholders will be asked to comment on the conclusions of this Assessment. This assessment will be updated as necessary.</p>	<p>Since the amendments do not introduce policies it is not necessary to monitor their specific impact on good relations. However, DAERA will publish this Assessment on www.daera-ni.gov.uk with the consultation on the proposal for the amendments to regulations. Stakeholders will be asked to comment on the conclusions of this Assessment. This assessment will be updated as necessary.</p>	<p>Since the amendments do not introduce policies it is not necessary to monitor their specific impact on disability duties. However, DAERA will publish this Assessment on www.daera-ni.gov.uk with the consultation on the proposal for the amendments to regulations. Stakeholders will be asked to comment on the conclusions of this Assessment. This assessment will be updated as necessary.</p>

Section D – Summary Sheet

Formal Record of Screening Decision

Title of Proposed Policy / Decision being screened

European Union (Withdrawal Act) 2018 (EUWA) amendments to the Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010, the Marketing of Bananas Regulations (Northern Ireland) 2019 and to the Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019.

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

<input checked="" type="checkbox"/>	equality of opportunity and good relations
<input checked="" type="checkbox"/>	disabilities duties; and
<input checked="" type="checkbox"/>	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

<input type="checkbox"/>	* <u>Screened In</u> – Necessary to conduct a full EQIA
<input checked="" type="checkbox"/>	* <u>Screened Out</u> – No EQIA necessary (no impacts) The amendments to domestic legislation do not introduce new policy change; they make minor drafting amendments which have no impact on society generally. There are therefore no impacts anticipated on any Section 75 categories / good relations etc.
<input type="checkbox"/>	* <u>Screened Out -</u> Mitigating Actions (minor impacts)

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 –

<input checked="" type="checkbox"/>	I have explained any technical issues in plain English (easily understood by a 12 year old)
<input checked="" type="checkbox"/>	I have added evidence and explained my assessments in full
<input checked="" type="checkbox"/>	I have provided a brief note to justify my decision to 'Screen In' or 'Screen Out'
<input type="checkbox"/>	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: Darren Beggs

Grade: Staff Officer

Date: 11 April 2019

Branch: Agri-food Brexit Policy 2

Signature: please insert a scanned image of your signature below

Screening decision approved by (must be Grade 3 or above) -

Name:

Grade:

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 equalitybranch@daera-ni.gov.uk. The screening form will be placed on the DAERA website and a link provided to the Department's Section 75 consultees.



Strategic
Management DAERA

For more information about equality screening, contact –

DAERA Equality Unit
Old Library Building
County Hall
Coleraine
BT51 3HS

Email: equalitybranch@daera-ni.gov.uk

[Tel: 028 7034 1253](tel:02870341253)



Annex A

Synopsis of Human Rights Act Articles & Protocols

ARTICLE 2

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.
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:
 - (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

Prohibition of torture

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

ARTICLE 4

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term "forced or compulsory labour" shall not include:
 - (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

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:
 - (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.
2. 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.
3. 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.
4. 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.
5. 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.

ARTICLE 6

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.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (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

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.
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.

ARTICLE 8

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.
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.

ARTICLE 9

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.
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.

ARTICLE 10

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.
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.

ARTICLE 11

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.
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.

ARTICLE 12

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

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

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

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 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