

**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](http://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 - [equalitydiversitypublicappointments@daera-ni.gov.uk](mailto:equalitydiversitypublicappointments@daera-ni.gov.uk). All screening exercises must be supported by evidence and Quality Assured by Equality Unit prior to being cleared at Grade 3 level.



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<sup>1</sup> and what they mean in practice is available on the Equality Commission's website.

Please note: Only plain English<sup>2</sup> should be used in all sections of this document.

The screening template has 4 sections to complete. These are:

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<sup>1</sup> ECNI 'Section 75 of the NI Act 1998: A Guide for Public Authorities' April 2010. [www.equalityni.org](http://www.equalityni.org)

<sup>2</sup> Should be easily understood by a 12 year old.

[Type here]

**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 management measures for intertidal hand gathering of shellfish in the Northern Ireland marine area.

### Brief description of policy / decision to be screened:-

The Department intends to introduce regulations to manage the gathering of shellfish by hand in the intertidal zone within the Northern Ireland marine area.

The intertidal shellfish gathering fishery is currently unregulated by the Department and therefore data is not available to quantify the intensity or scale of the fishery within Northern Ireland.

The public consultation to be published aims to address that by seeking the evidence through a call for evidence document and associated questionnaire aimed at stakeholders and the general public.

The responses to this call for evidence document will assist the Department in formulating management options for this activity.

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

(What is the policy trying to achieve?)

The primary aims of the policy are:

- To ensure that intertidal shellfish gathering practices within Northern Ireland are sustainable and stocks are protected for future generations.
- To reduce impacts associated with intertidal shellfish gathering on protected habitats and species and the wider marine ecosystem.

In 2020 the UK Fisheries Act was introduced in response to the UK leaving the EU. This act introduced a list of new fisheries objectives, some of which this policy aim to contribute to. This policy aims to directly contribute to the following objectives:

- *The sustainability objective*, by ensuring that fishing activities are environmentally sustainable in the long term.
- *The ecosystem objective*, by ensuring fishing activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are

minimised and, where possible, reversed.

- *The scientific evidence objective*, by publishing a call for evidence document for public consultation, seeking scientific data relevant to the management of fish and aquaculture activities is collected,

### **On whom will the policy / decision impact?**

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

- Staff (to implement and monitor/enforce going forward)
- service users
- rural community (small coastal communities adjacent to the intertidal area)
- other public sector organisations (organisations responsible for other aspects of regulation of shellfish gathering eg. Local councils, FSA, GLAA etc)
- voluntary / community groups / trade unions
- others, (anyone with an interest in or who uses the marine area).

### **Are there linkages to other NI Departments / NDPBs?**

The implementation of this policy 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.

The Department works closely with the Gangmasters and Labour Abuse Authority (GLAA) and local councils to share information on shellfish gathering practices which relate to potential labour abuse and food hygiene offences. Implementing this policy will lead to further regulation around shellfish gathering which may have knock-on effects to these bodies.

## 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

<b>Section 75 category</b>	<b>Details of evidence or information and engagement</b>
<b>Religious belief</b>	<p>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.</p> <p>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.</p> <p>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.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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</p>

[Type here]

<p><b>Political opinion</b></p>	<p>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.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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 political opinion.</p>
<p><b>Racial group</b></p>	<p>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%).</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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.</p>
<p><b>Age</b></p>	<p>The 2011 Census showed that around 25% of the population was 55 years or older and around 47% were under 35 years old.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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.</p>
<p><b>Marital status</b></p>	<p>The 2011 census showed that around 48% of the population were married or in a civil partnership, and 36% were single.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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.</p>

<p><b>Sexual orientation</b></p>	<p>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.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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.</p>
<p><b>Men &amp; women generally</b></p>	<p>The 2011 census showed that 51% of the population was male and 49% female.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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.</p>
<p><b>Disability</b></p>	<p>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.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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 disabilities.</p>
<p><b>Dependants</b></p>	<p>The 2011 Census showed that 34% of family households contained dependent children.</p> <p>The proposed management measures for intertidal shellfish gathering for the Northern Ireland Marine Area 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.</p>

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**No evidence held? Outline how you will obtain it:**

Engagement to date with the general public has raised no issues regarding impacts on Section 75 groups. However, the call for evidence document to be published as part of this public consultation will contain a questionnaire seeking the views and evidence from the public related to the proposed measures. The questionnaire will ask direct questions related to the *Equality and Human Rights Screening* with the aim of identifying any section of the community that could be negatively impacted by the proposals.

**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?**

<b>Section 75 category</b>	<b>Details of likely impact</b>	<b>Level of impact? Minor/Major/None</b>
<b>Religious belief</b>	<p>The proposed shellfish gathering management measures will be applied uniformly across all section 75 categories. It is not envisaged that the proposed measures will unfairly impact individuals in this section 75 category.</p> <p>This will be kept under review and updated if evidence to the contrary is obtained from the call for evidence questionnaire in the public consultation.</p>	None.
<b>Political opinion</b>	As above.	None.
<b>Racial group</b>	As above.	None.
<b>Age</b>	As above.	None.
<b>Marital status</b>	As above.	None.
<b>Sexual orientation</b>	As above.	None.
<b>Men and women generally</b>	As above.	None.
<b>Disability</b>	As above.	None.
<b>Dependants</b>	As above.	None.

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

<b>Section 75 category</b>	<b>If Yes, provide details</b>	<b>If No, provide reasons</b>
<b>Religious belief</b>		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.
<b>Political opinion</b>		As above.
<b>Racial group</b>		As above.
<b>Age</b>		As above.
<b>Marital status</b>		As above.
<b>Sexual orientation</b>		As above.
<b>Men and women generally</b>		As above.
<b>Disability</b>		As above.
<b>Dependants</b>		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	None identified	None.
Political opinion	None identified	None.
Racial group	None identified	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		There is no evidence available to date of any opportunity to better promote good relations 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		As above.

<b>Racial group</b>		As above.
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## 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

There is no evidence to date of any opportunity for the proposed shellfish gathering management measures to better promote positive attitudes towards disabled people. This will be reviewed should any disability issues be brought to our attention in the responses to the call for evidence document as part of the public consultation.

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

There is no evidence to date of any opportunity for the proposed shellfish gathering management measures to increase participation for disabled people in public life. This will be reviewed should any disability issues be brought to our attention in the responses to the call for evidence document as part of the public consultation.

## 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	<b>Article 2</b>	<input type="checkbox"/>
Prohibition of torture, inhuman or degrading treatment	<b>Article 3</b>	<input type="checkbox"/>
Prohibition of slavery and forced labour	<b>Article 4</b>	<input type="checkbox"/>
Right to liberty and security	<b>Article 5</b>	<input type="checkbox"/>
Right to a fair and public trial	<b>Article 6</b>	<input type="checkbox"/>
Right to no punishment without law	<b>Article 7</b>	<input type="checkbox"/>
Right to respect for private and family life, home and correspondence	<b>Article 8</b>	<input type="checkbox"/>
Right to freedom of thought, conscience and religion	<b>Article 9</b>	<input type="checkbox"/>
Right to freedom of expression	<b>Article 10</b>	<input type="checkbox"/>
Right to freedom of peaceful assembly and association	<b>Article 11</b>	<input type="checkbox"/>
Right to marry and to found a family	<b>Article 12</b>	<input type="checkbox"/>
The prohibition of discrimination	<b>Article 14</b>	<input type="checkbox"/>
Protection of property and enjoyment of possessions	<b>Protocol 1 Article 1</b>	<input type="checkbox"/>
Right to education	<b>Protocol 1 Article 2</b>	<input type="checkbox"/>
Right to free and secret elections	<b>Protocol 1 Article 3</b>	<input type="checkbox"/>

## Consideration of Human Rights (cont)

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

N/A.

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

Commercial shellfish gathering is an activity that is monitored closely by the Gangmaster and Labour Abuse Authority (GLAA) due previous cases of labour abuse by unlicensed gangmasters in the UK and NI. The Department introducing increased regulation of this activity will assist in making the activity more transparent, allowing improved sharing of intelligence with the GLAA and reducing the prevalence of labour abuse offences amongst commercial shellfish gatherers.

## 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.

<b>Equality</b>	<b>Good Relations</b>	<b>Disability Duties</b>
Data will be gathered through targeted questionnaire questions in the consultation document to obtain information on any potential adverse impacts to any section 75 group. Monitoring of the responses to the consultation questions and ongoing stakeholder engagement will take place and any emerging issues	Data will be gathered through targeted questionnaire questions in the consultation document to obtain information on any potential adverse impacts on good relations. Monitoring of the responses to the consultation questions and ongoing stakeholder	Data will be gathered through targeted questionnaire questions in the consultation document to obtain more information on any potential adverse impacts related to disability. Monitoring of the responses to the consultation questions and ongoing stakeholder engagement will take place and any emerging issues related to disability will be used during policy review.

<p>related to equality will be used during policy review.</p> <p>The policies themselves will be regularly reviewed (2 years) to ensure that they are fit for purpose and are providing the appropriate levels of regulation.</p> <p>Any amendments to policies resulting from such reviews will be subject to Equality and Human Rights screening.</p>	<p>engagement will take place and any emerging issues related to good relations will be used during policy review.</p> <p>The policies themselves will be regularly reviewed (2 years) to ensure that they are fit for purpose and are providing the appropriate levels of regulation.</p> <p>Any amendments to policies resulting from such reviews will be subject to Equality and Human Rights screening.</p>	<p>The policies themselves will be regularly reviewed (2 years) to ensure that they are fit for purpose and are providing the appropriate levels of regulation.</p> <p>Any amendments to policies resulting from such reviews will be subject to Equality and Human Rights screening.</p>
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# Section D – Summary Sheet

## Formal Record of Screening Decision

### Title of Proposed Policy / Decision being screened

Development of management measures for intertidal hand gathering of shellfish in the Northern Ireland marine area.

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

<input type="checkbox"/>	* <b>Screened In</b> – Necessary to conduct a full EQIA
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X	<p>*<b>Screened Out</b> – No EQIA necessary (no impacts)</p> <p>Provide a brief note here to explain how this decision was reached:</p> <ul style="list-style-type: none"><li>The decision to screen out is based on the answers given above which have indicated that there is no existing evidence to suggest that any section 75 group is unfairly impacted by the proposed measures. Negative effects on human rights have not been identified with the proposals aiming to improve transparency around commercial shellfish gathering and reduce the prevalence of labour abuse offences in the industry.</li></ul>
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<input type="checkbox"/>	<p>* <b>Screened Out - Mitigating Actions</b> (minor impacts)</p> <p>Provide a brief note here to explain how this decision was reached:</p> <ul style="list-style-type: none"><li>Describe clearly the mitigating actions and / or policy changes that will now be introduced</li></ul>
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- |  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Explain how these actions will address the inequalities:</li> </ul> |
|--|--|

## 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

***Have you issued this document to Equality Unit prior to obtaining Grade 3 signature?***

**Screening assessment completed by (Staff Officer level or above) -**

Name: Phil Stewart

Grade: Senior Scientific Officer  
(temporary)

Date: 3/2/21

Branch: DAERA Marine Conservation & Reporting

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

Name: Tracey Teague

Grade: Grade 3 Deputy  
Secretary

Date: September 2021

Branch: DAERA 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](mailto:equalitydiversitypublicappointments@daera-ni.gov.uk). The screening form will be placed on the DAERA website and a link provided to the Department's Section 75 consultees.



Strategic  
Management DAER/

For more information about equality screening, contact –

DAERA Equality Unit  
Equality, Diversity & Public Appointments Branch  
Ballykelly House  
111 Ballykelly Road  
LIMAVADY  
BT49 9HP

Email: [equalitydiversitypublicappointments@daera-ni.gov.uk](mailto:equalitydiversitypublicappointments@daera-ni.gov.uk)

[Tel: 028 7744 2027](tel:02877442027)

**August 2019**



## **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