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

**Equality and Human Rights**

**Screening Template**

August 2019

 

**DAERA Equality** and **Human Rights**

Screening Template

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

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



The accompanying Screening Guidance note provides straightforward advice on how to carry out equality screening exercises. Detailed information about the Section 75 equality duties**[[1]](#footnote-1)** and what they mean in practice is available on the Equality Commission’s website.

Please note: Only plain English**[[2]](#footnote-2)** should be used in all sections of this document.

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

**Section A** - asks you to provide details about the policy / decision that is being screened.

**Section B** - has 4 key questions that require you to outline the likely impacts on equality groups, and all supporting evidence.

**Section C** - has 4 key questions in relation to obligations under the Disability Discrimination Order and the Human Rights Act.

**Section D** - is the formal record of the screening decision.

**Section A**

**Details about the policy / decision to be screened – In plain English**

|  |
| --- |
| **Title of policy / decision to be screened:-** Rural Social Economy Investment Scheme |

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| --- |
| **Brief description of policy / decision to be screened:-** The Rural Social Economy Investment Scheme is a pilot scheme that will provide capital grants to emerging and well established social enterprises to enable them to increase their capacity, potential profitability and sustainability whilst supporting those who live in rural areas. The need for this pilot scheme has emerged from the draft Rural Policy Framework for Northern Ireland. The pilot, amongst a number of other pilots, will help to bridge the gap between the LEADER and tourism aspects of the current Rural Development Programme and the new Rural Business and Community Investment Programme, its replacement. |

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| **Aims and objectives of the policy / decision to be screened:-** The main aim of the Rural Social Economy Investment Scheme is to help emerging and well established social enterprises to increase their capacity, potential profitability and sustainability whilst support those who live in rural areas. The objectives of the Scheme are:1. To improve rural social enterprise sustainability;
2. To strengthen rural communities;
3. To improve the economic circumstances of rural communities; and
4. To work in partnership with others.
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|  |
| --- |
| **On whom will the policy / decision impact?**Consider the internal and external impacts (both actual or potential) staff  service users X rural community other public sector organisations voluntary / community groups / trade unions others, please specify |
|  |

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| --- |
| **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.*None |

**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**  | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.

Statistics from the 2011 Census show the make-up of the rural community (based on head of household) to be 45% Catholic, 52% Protestant and other Christian and 3% other or no religion. This scheme is targeted at emerging or established social enterprises in rural areas, and the religious beliefs of potential applicants are not relevant. |
| **Political opinion**  | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland
* Northern Ireland Life and Times Survey 2013

Statistics from the 2011 Census show the make-up of the rural community (based on head of household) to be 45% Catholic, 52% Protestant and other Christian and 3% other or no religion. The Northern Ireland Life and Times Survey 2013 found that 25% of the Northern Ireland population describe themselves as nationalist, 29% as unionist and 43% held neither political opinion. There is no data on the political opinion of owners of social enterprises. That said, the scheme is open to anyone whose project is based in a rural area, regardless of their political opinion. |
| Racial group  | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.
* Cabinet Office (May 2013), A report by BMG Research– Social Enterprise: Market Trends, Based upon the BIS Small Business Survey 2012.
* Social Enterprise UK (2018) ‘Hidden Revolution Size and Scale of Social Enterprise’

The 2011 Census of Northern Ireland found that 99.4% of the population is classified as white and 0.6% other ethnic groupings. The 2013 Cabinet Office report noted in table 4.8 (see below) that 7% of Small and medium-sized enterprises (SME) employers in the UK were minority ethnic group led, defined as having a person from an ethnic minority in sole control of the business, or having a management team with at least half of members from an ethnic minority. Under the very good fit definition, minority ethnic group (MEG) led businesses were no more likely than average to be social enterprises. Under the good fit definition there was a higher than average proportion of MEG-led social enterprises in 2012. Approximately half of these were in the retail and food service sectors.According to the 2018 Hidden Revolution Report, 34% of social enterprises in the UK have Black Asian Minority Ethnic representation and the proportion of social enterprises led by a member of a Black and Minority Ethnic community is 12%, much higher than SMEs more widely (5%).As with other categories, the rural social economy scheme is open to anyone that meets the scheme criteria regardless of their racial group. |
| **Age**  | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.
* Cabinet Office (May 2013), A report by BMG Research– Social Enterprise: Market Trends, Based upon the BIS Small Business Survey 2012.
* ‘Rebalancing the NI Economy – 2019 report on social enterprise’ by Social Enterprise NI
* DAERA analysis of the Rural Business Investment Scheme 2014-2020 delivered under Priority 6 of the Rural Development Programme in Northern Ireland (January 2020)

Statistics from the 2011 census show the make-up of the rural community to be 22% aged under 15, 24% aged 16 – 34, 39% aged 35 – 64 and 14% aged 65+. In the 2013 Cabinet Office report in table 4.13 (see below) under both the very good fit and good fit definitions it would appear that in the UK respondents in social enterprises were older than those in SME employers generally. Under the very good fit definition in 2012, 23% were aged under 45 and 41% over 55. This compares with 33% aged under 45 for all SMEs, and 36% aged over 55. Under both the very good and good fit definition, social enterprises in 2010 were more likely than average to have respondents aged 65 or more.The 2019 report by Social Enterprise NI noted that the age profile of social entrepreneurship shows that just 2% are aged under 24 years of age while 9% are over 65. Almost three quarters of leaders are aged between 45 and 64 while just over a quarter are aged between 25 and 44. These figures are broadly the same as the UK as a whole. The 2017 Social Enterprise UK survey found that the vast majority of social enterprise leaders are aged either between 25 and 44 (25%) or 45 and 64 (58%). Rural Business Investment Scheme 2014-2020 delivered under Priority 6 of the Rural Development Programme in Northern Ireland - An analysis in January 2020 found that there are lower levels of youth, social enterprise and farm diversification engagement. The review showed that the highest percentage of beneficiaries were over 40 years old with 309 compared to less than 10 for those under the age of 25 years old.As with other categories above, this scheme is targeted at emerging and established rural social economies and is open to anyone that meets the scheme criteria. The age of an applicant is irrelevant so long as they are aged 18 years or more. |
| **Marital status**  | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.

Statistics from the 2011 census show the make-up of the rural households to be 22.24% one person households, 48.67% married couple households, 0.03% same-sex civil partnership couple households, 4.58% cohabiting couple households, 11.05% lone parent households and 6.58% other types of households.As with other categories, the rural social economy scheme is open to anyone that meets the scheme criteria regardless of their marital status. |
| **Sexual orientation** | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.

Statistics from the 2011 census show the make-up of the rural households to be 22.24% one person households, 48.67% married couple households, 0.03% same-sex civil partnership couple households, 4.58% cohabiting couple households, 11.05% lone parent households and 6.58% other types of households. As with other categories, the rural social economy scheme is open to anyone that meets the scheme criteria regardless of their sexual orientation. |
| **Men & women generally** | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.
* Cabinet Office (May 2013), A report by BMG Research– Social Enterprise: Market Trends, Based upon the BIS Small Business Survey 2012.
* Social Enterprise UK (2018) ‘Hidden Revolution Size and Scale of Social Enterprise’
* ‘Rebalancing the NI Economy – 2019 report on social enterprise’ by Social Enterprise NI

Statistics from the 2011 census show the make-up of the rural community to be 50% men and 50% women. The 2013 Cabinet Office report demonstrated in table 4.7 replicated below that social enterprises under the very good fit definition in the UK were more likely than average to be women-led, to have women directors in a minority, and less likely than average to be entirely male-led. Under the good fit definition, social enterprises were no more likely to be women-led than average in 2012, although in 2010 they were more likely to be women led. In both surveys they were more likely than average to have women directors in a minority, and were less likely than average to be entirely male-led.According to the 2018 Hidden Revolution Report, 89% of social enterprise leadership teams in the UK have a female director and 41% of leaders are women, significantly ahead of both mainstream SMEs (20%) and big business (7% of FTSE 100).The 2019 report by Social Enterprise NI noted that 43% of organisations are led by women and 57% men. Female entrepreneurship is consistent with the UK as a whole, with the 2017 Social Enterprise UK survey finding that 41% of social enterprises were led by women and 59% by men.As with other categories, the rural social economy scheme is open to anyone that meets the scheme criteria and is open to both men and women. |
| **Disability** | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.
* Cabinet Office (May 2013), A report by BMG Research– Social Enterprise: Market Trends, Based upon the BIS Small Business Survey 2012.
* Social Enterprise UK (2018) ‘Hidden Revolution Size and Scale of Social Enterprise’

Statistics from the 2011 census show that 40% of rural households contain at least one person with a long term health problem or disability.The 2013 Cabinet Office report noted that in table 4.9 (see below) 9% of SME employers in the UK were disabled-led, defined as having a person with any longstanding illness, disability or infirmity in sole control of the business, or having a management team with at least half of members with longstanding illnesses, disabilities or infirmities. In the Small Business Survey (SBS) 2012, 13% of both the very good fit social enterprises, and 12% of the good fit social enterprises were disabled-led, higher than the proportion for all SME employers. In SBS 2010 social enterprises were no more likely than average to be disabled-led.According to the 2018 Hidden Revolution Report, 36% of social enterprises in the UK have a director with a disability. More than two-thirds are supporting individuals from disadvantaged groups, and more than four in ten employ them.As with other categories, the rural social economy scheme is open to all that meet the scheme criteria regardless of any disability. |
| Dependants | * Consideration of the breakdown of rural statistical data in the 2011 census of Northern Ireland.

Statistics from the 2011 census show the make-up of rural households to be 37% with dependants and 63% without.As with other categories, the rural social economy scheme is open to anyone that meets the scheme criteria regardless of whether they have dependants or not. |

|  |
| --- |
| **No evidence held? Outline how you will obtain it:** Consideration has been given to a range of evidence available across the UK in relation to social enterprises. Although there is no data specifically related to this scheme it will be monitored for any impacts (positive or negative). As the scheme is open to all who meet the scheme criteria, the Department is satisfied that there is no adverse impact on the equality and/or human rights of any of the Section 75 equality groups.  |

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** | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Political opinion**  | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Racial group**  | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Age** | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Marital status**  | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Sexual orientation** | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Men and women generally**  | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Disability** | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |
| **Dependants**  | No impact on equality of opportunity – the scheme is open to all who meet the scheme requirements  | N/A |

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** | The Rural Social Economy Investment Scheme will help eligible applicants in emerging or established rural social enterprises access grant funding to improve their business. The purpose of the investment scheme will be to enable social enterprises to increase their capacity, potential profitability and sustainability whilst supporting those who live in rural areas. It is proposed that an external agency animates the scheme. Therefore there is potential to lead to the promotion of equality of opportunity as it builds the capacity and capability of the rural population.  |  |
| **Political opinion**  | As above |  |
| **Racial group**  | As above.  |  |
| **Age** | As above. From the evidence outlined earlier the age profile for leaders of social enterprises in NI demonstrate that just 2% are aged under 24 years of age. Almost 75% of leaders are aged between 45 and 64 and just over 25% aged between 25 and 44. As this scheme is open to anyone who is eligible, there is no reason why younger people cannot apply for grant funding. This is something that could also be considered during the animation process to ensure the scheme is accessible to everyone. |  |
| **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** | The rural social economy investment scheme is neutral as regards the impact on good relations between people of different religious belief, there is likely to be no impact.  | None |
| **Political opinion**  | The rural social economy investment scheme is neutral as regards the impact on good relations between people of different political opinion, there is likely to be no impact. | None |
| **Racial group** | The rural social economy investment scheme is neutral as regards the impact on good relations between people of different racial groups, there is likely to be no impact. | 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** |  | Given that the Social Economy pilot is neutral as regards to promoting good relations between people of different religious beliefs, there is likely to be no impact. |
| **Political opinion**  |  | Given that the Social Economy pilot is neutral as regards to promoting good relations between people of different political opinion, there is likely to be no impact. |
| **Racial group**  |  | Given that the Social Economy pilot is neutral as regards to promoting good relations between people of different racial groups, there is likely to be no impact. |

**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** This scheme is open to all eligible applicants regardless of whether or not they have a disability. |

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** This scheme is open to all eligible applicants and it is entirely possible that a disabled person may decide to apply if he/she thinks that their business or business idea would meet the aims and objectives of the scheme. If successful in developing an emerging or established social enterprise further through DAERA’s grant funding, this would undoubtedly increase their participation in public life.  |

**Consideration of Human Rights**

7. The Human Rights Act (HRA) 1998 brings the European Convention on Human Rights (ECHR) into UK law and it applies in N Ireland. Indicate below (place an X in the appropriate box) any potential *adverse impacts* that the policy or decision may have in relation to human rights issues.

 **See Annex A for brief synopsis on each of the Human Rights Articles & Protocols**

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

Consideration of Human Rights (cont)

|  |
| --- |
| 8. **Please explain any adverse impacts on human rights that you have identified** No adverse impact identified. |

|  |
| --- |
| 9. **Please indicate any ways which you consider the policy positively promotes human rights** None identified  |

**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** |
| At the initial expression of interest stage details pertaining to title, gender, age and local Council area of interested parties will be collected. Potential applicants will be advised however that the Department may ask for additional sensitive data such as racial or ethnic origin, political opinion or religious beliefs to monitor potential adverse impacts of the scheme. At the actual application stage (for those interested being invited to apply) the Division running the scheme will meet the undertaking to collect data on all Section 75 categories in accordance with DAERA’s Equality Scheme (and in particular sections 4.27 – 4.29).  | Section 75 monitoring will be carried out at application stage. | Section 75 monitoring will be carried out at application stage. |

**Section D – Summary Sheet**

**Formal Record of Screening Decision**

|  |
| --- |
| Title of Proposed Policy / Decision being screened Rural Social Economy Investment Scheme |

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:As the scheme is open to all emerging and established rural social enterprises, there is no impact on grounds of equality or human rights on any of the Section 75 groupings as all eligible applicants will be free to apply for grant funding regardless of their gender, disability, religious belief etc. All applicants that meet the eligibility criteria will be in competition for limited funds and their success or otherwise in obtaining grant funding will be decided on an assessment of how well they meet the priorities for funding set by the Department for this pilot scheme. |

|  |  |
| --- | --- |
| [ ]  | \* **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 – guidance sought from Equality Unit with response received on 16/09/20.

|  |
| --- |
| **Screening assessment completed by (Staff Officer level or above) -** |
| Name: Katrina Killen | Grade: Deputy Principal |
|  | Date: 16/09/2020 |
| Branch: Rural Policy and Delivery Branch |

|  |
| --- |
| Signature:  |

|  |
| --- |
| **Screening decision approved by (must be Grade 3 or above) -** |
| Name: FIONA McCANDLESS | Grade: 3 |
|  | Date: 22.9.2020 |
| Branch: **Capture**      |

|  |
| --- |
| 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)