

# Equality & Disability Duties Screening Template

December 2023 version



Department of  
**Agriculture, Environment  
and Rural Affairs**  
[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

***Sustainability*** at the heart of a living,  
working, active landscape  
valued by everyone.

**Screening flowchart and template (taken from Section 75 of the Northern Ireland Act 1998 - A Guide for public authorities April 2010 (Appendix 1)).**

### Introduction

**Part 1. Policy scoping** – asks public authorities to provide details about the policy, procedure, practice and/or decision being screened and what available evidence you have gathered to help make an assessment of the likely impact on equality of opportunity and good relations.

**Part 2. Screening questions** – asks about the extent of the likely impact of the policy on groups of people within each of the Section 75 categories. Details of the groups consulted and the level of assessment of the likely impact. This includes consideration of multiple identity and good relations issues. This section also includes two questions related to the Disability Duties.

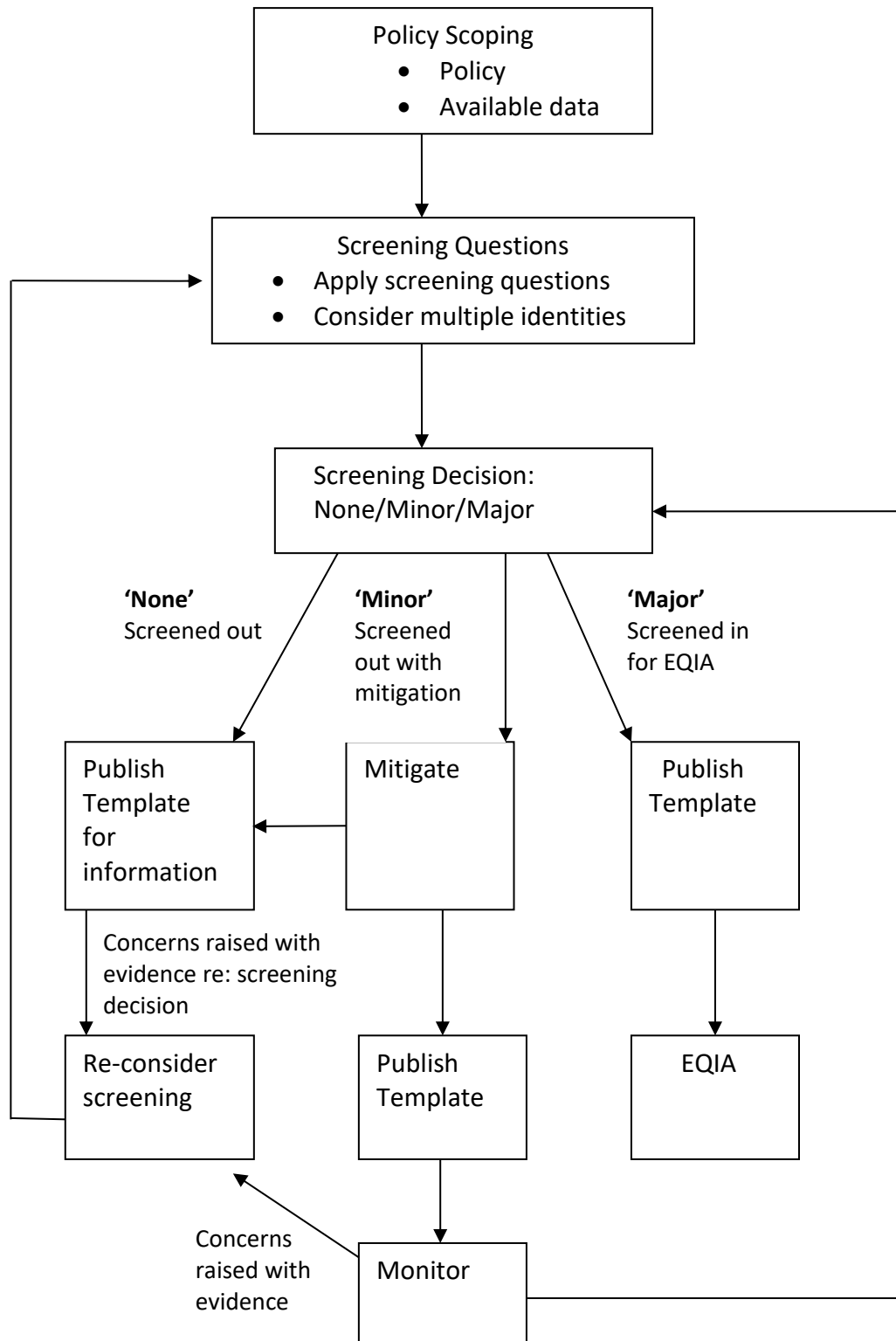
**Part 3. Screening decision** – guides the public authority to reach a screening decision as to whether or not there is a need to carry out an equality impact assessment (EQIA), or to introduce measures to mitigate the likely impact, or the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

**Part 4. Monitoring** – provides guidance to public authorities on monitoring for adverse impact and broader monitoring.

**Part 5. Consideration of Human Rights** – please note this is not a Human Rights Screening form but rather a prompt that impacts on Human Rights should be considered.

**Part 6. Approval and authorisation** – verifies the public authority’s approval of a screening decision by a senior manager responsible for the policy.

A screening flowchart is provided below.



### Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

### Information about the policy

#### **Name of the policy**

Regulations made under the Welfare of Animals Act (Northern Ireland) 2011, to provide additional animal welfare protections to Northern Ireland's puppies and kittens that are intended to be sold, given away, or otherwise transferred to new owners.

#### **Is this an existing, revised or new policy?**

New policy.

### What is it trying to achieve? (intended aims/outcomes)

The overarching objective of the proposed policy is to improve the welfare of puppies and kittens by making new rules for selling and supplying these animals in Northern Ireland, including banning third-party sales.

Currently, aside from licensing regulations that govern dog breeding establishments and pet shops—which mandate that records of sales and supplies be maintained—the sale and supply of puppies and kittens in Northern Ireland remains unregulated. The new policy will require all individuals and businesses intending to sell or supply a puppy or kitten to register annually with their local council. A registration fee will be imposed, initially for businesses in the first year, and for non-businesses starting from the second year. It is proposed that the Register of Sellers and Suppliers of Puppies and Kittens will be made available online.

Conditions will be attached to registration, including, persons can only sell/supply puppies and kittens they bred themselves, at the registered address; and they cannot sell/supply unweaned, or sick, puppies or kittens. A puppy or kitten may only be shown to a prospective new owner if it is with its biological mother; and the new owner must be provided with information on caring for the animal. The registered seller/supplier must maintain a register of all the dogs and cats, including pups and kittens.

The policy aims to tackle problems associated with third-party sales of puppies and kittens, including poor animal welfare; increased risk of illness and disease; customer deception; and irresponsible/illegal breeding. This policy will protect puppies and kittens, and their new owners. It will help improve the welfare of puppies and kittens, and it will also help purchasers

and new owners identify responsible and legal sellers/suppliers and it will protect them from potentially high costs related to dealing with sick animals; and long-term health or behavioural issues.

In short, the proposed policy aims to afford these animals additional animal welfare protections, leading to better outcomes for both the animals and their new owners. The proposed legislative change will ensure that the law affords sufficient protection for puppies and kittens which are destined for sale, being given away, or otherwise transferred to new owners, and that they are provided with the same level of protection as they are afforded elsewhere in the United Kingdom.

**Are there any Section 75 categories which might be expected to benefit from the intended policy?**    ☐ Yes    ☒ No (select as appropriate)

**If so, explain how.**

**Who initiated or wrote the policy?**

The Department of Agriculture, Environment and Rural Affairs.

**Who owns and who implements the policy?**

The Department of Agriculture, Environment and Rural Affairs.

## Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? ☐ Yes ☒ No (select as appropriate)

If yes, are they (please select as appropriate)

Financial ☐

Legislative ☐

other, please specify:

## Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please select as appropriate)

Staff ☐

Service users ☐

Other public sector organisations ☒

Local councils are responsible for enforcing the 2011 Act in respect of canines and felines. The proposed policy will therefore fall to councils to enforce.

Voluntary/community/trade unions ☐

Other, please specify

## Other policies with a bearing on this policy

What are they?

### Who owns them?

N/A

### Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

*Please ensure all data used is the most current and up to date available. You should verify this by contacting the Departmental Statisticians.*

### Religious belief evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

### Political Opinion evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

### Racial Group evidence/information:

There is no evidence to suggest that the revised policy will impact negatively on people in this category.



**Age evidence/information:**

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

**Marital Status evidence/information:**

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

**Sexual Orientation evidence/information:**

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

**Men & Women generally evidence/information:**

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

**Disability evidence/information:**

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

**Dependants evidence/information:**

There is no evidence to suggest that the revised policy will impact negatively on people in this category.

**Needs, experiences and priorities**

**Taking into account the information referred to above, what are the**

different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

**Religious belief**

None

**Political Opinion**

None

**Racial Group**

None

**Age**

None

**Marital status**

None

**Sexual orientation**

None

**Men and Women Generally**

None

### Disability

None
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### Dependants

None
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## Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

### **In favour of a ‘major’ impact**

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

### **In favour of ‘minor’ impact**

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;

- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

### In favour of none

- 1) The policy has no relevance to equality of opportunity or good relations.
- 2) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

### Screening questions

- 1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?** Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

#### **Details of the likely policy impacts on *Religious belief*:**

None
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**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Political Opinion*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Racial Group*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Age*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Marital Status*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Sexual Orientation*:**

None

**What is the level of impact** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Men and Women*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Disability*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Dependants*:**

None

**What is the level of impact?** ☐ Major ☐ None ☒

(select as appropriate)

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

☐ Yes      ☒ No (select as appropriate)

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

**Religious Belief - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Political Opinion - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Racial Group - If Yes, provide details:**

N/A

**If No, provide reasons:**



There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Age - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Marital Status - If Yes, provide details:**

N/A

**If No, provide reasons**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Sexual Orientation - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Men and Women generally - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Disability - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**Dependants - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no impact envisaged on, or opportunity to promote equality of opportunity for people within this category. However, the responses to the consultation will be monitored to inform the position.

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

**Details of the likely policy impacts on *Religious belief*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Political Opinion*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**Details of the likely policy impacts on *Racial Group*:**

None

**What is the level of impact?** Minor ☐ Major ☐ None ☒

(select as appropriate)

**4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

***Religious Belief* - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no available evidence to indicate such opportunities. However, the responses to the consultation will be monitored to inform the position.

***Political Opinion* - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no available evidence to indicate such opportunities. However, the responses to the consultation will be monitored to inform the position.

***Racial Group* - If Yes, provide details:**

N/A

**If No, provide reasons:**

There is no available evidence to indicate such opportunities. However, the responses to the consultation will be monitored to inform the position.

### Additional considerations

#### Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? If so, please detail below.

*(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

**Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.**

There is no available evidence to indicate potential impacts on such people. However, the responses to the consultation will be monitored to inform the position.

DAERA also has legislative obligations to meet under the **Disability Discrimination Order**. Questions 5 - 6 relate to these.

## Consideration of Disability Duties

- 5. Does this proposed policy or decision provide an opportunity for DAERA to better promote positive attitudes towards disabled people?**

The proposed policy would apply equally to all stakeholders. It is not anticipated that it will provide an opportunity to promote positive attitudes towards people with a disability. However, the responses to the consultation will be monitored to inform the position.

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

The proposed policy does not provide an opportunity to actively increase the participation by disabled people in public life. However, the responses to the consultation will be monitored to inform the position.

### Part 3. Screening decision (Please delete as appropriate)

“Screened out” without mitigation or an alternative policy proposed to be adopted.

**If the decision is not to conduct an equality impact assessment, please provide details of the reasons.**

The policy will apply to all persons who sell/supply puppies and kittens, equally. An Equality and Human Rights Screening Exercise has been undertaken, which assessed evidence relating to s75 considerations, including equality of opportunity and good relations, and Disability Duties and Human Rights. The exercise has concluded that the policy would apply equally to all stakeholders.

**If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.**

N/A. No mitigations or alternatives are needed. The policy will apply to all persons who sell/supply puppies and kittens, equally.

**If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.**

N/A

All public authorities’ equality schemes must state the authority’s arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on

equality impact assessment may be found in a separate Commission publication: [A Practical Guide to Equality Impact Assessment](#)

### Mitigation

When the public authority concludes that the likely impact is ‘minor’ and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

**Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?** ☐ Yes ☒ No (select as appropriate)

**If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy.**

N/A
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## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been ‘screened in’ for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

**On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.**

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	N/A
Social need	N/A
Effect on people’s daily lives	N/A
Relevance to a public authority’s functions	N/A
<b>Total score</b>	N/A

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority’s Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

**Is the policy affected by timetables established by other relevant public authorities?** ☐ Yes ☒ No (select as appropriate)

**If yes, please provide details.**

N/A

## Part 4. Monitoring

**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.*

Further advice on monitoring can be found at: [ECNI Monitoring Guidance for Public Authorities](#)

**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:**

The Department will consider all comments generated from the public consultation.

**Good Relations:**

The Department will consider all comments generated from the public consultation.

**Disability Duties:**

The Department will consider all comments generated from the public consultation.

## Part 5. 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 by deleting Yes/No as appropriate, 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>	<del>Yes</del> /No
Prohibition of torture, inhuman or degrading treatment	<b>Article 3</b>	<del>Yes</del> /No
Prohibition of slavery and forced labour	<b>Article 4</b>	<del>Yes</del> /No
Right to liberty and security	<b>Article 5</b>	<del>Yes</del> /No
Right to a fair and public trial	<b>Article 6</b>	<del>Yes</del> /No
Right to no punishment without law	<b>Article 7</b>	<del>Yes</del> /No
Right to respect for private and family life, home and correspondence	<b>Article 8</b>	<del>Yes</del> /No
Right to freedom of thought, conscience and religion	<b>Article 9</b>	<del>Yes</del> /No
Right to freedom of expression	<b>Article 10</b>	<del>Yes</del> /No

Right to freedom of peaceful assembly and association	<b>Article 11</b>	Yes/No
Right to marry and to found a family	<b>Article 12</b>	Yes/No
The prohibition of discrimination	<b>Article 14</b>	Yes/No
Protection of property and enjoyment of possessions	<b>Protocol 1 Article 1</b>	Yes/No
Right to education	<b>Protocol 1 Article 2</b>	Yes/No
Right to free and secret elections	<b>Protocol 1 Article 3</b>	Yes/No

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

No adverse impact on human rights have been identified.

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

No ways to positively promote human rights have been identified.

## Part 6 - Approval and authorisation

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 -

- I have explained any technical issues in plain English (easily understood by a 12 year old)
- I have used the most relevant, current & up to date data available
- I have added evidence and explained my assessments in full
- I have provided a brief note to justify my decision to 'Screen In' or 'Screen Out'
- 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

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

**Name:** Brenda Kelly

**Grade:** DP

**Branch:** Animal Welfare and Dog

**Date:** 18 April 2025

**Control Policy Branch**

**Signature:** please insert a scanned image of your signature.

A rectangular box containing a handwritten signature in cursive script that reads "Brenda Kelly".

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

**Name:** Brian Dooher

**Grade:** Gd3

**Branch:** VSAHG

**Date:** 15 May 2025

**Signature:** please insert a scanned image of your signature.



Note: A copy of the Screening Template, for each policy screened should be ‘signed off’ and approved by a senior manager responsible for the policy, made easily accessible on the public authority’s website as soon as possible following completion and made available on request.

Please save the final signed version of the completed screening form in the CM container (AE2-19-11940) below as soon as possible after completion and forward the CM link to Equality Branch at [equality@daera-ni.gov.uk](mailto:equality@daera-ni.gov.uk). The screening template must be saved to the container in **HTML format** (not PDF) in order to comply with accessibility requirements. 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

Capacity, Capability, Equality & Diversity Branch

Jubilee House

111 Ballykelly Road

LIMAVADY

BT49 9HP

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

Tel: 028 7744 2027





## 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.



For further information:

Equality Unit,  
Equality & Diversity Branch  
Department of Agriculture, Environment and Rural Affairs (DAERA)  
Jubilee House  
111 Ballykelly Road  
Ballykelly  
Limavady  
BT49 9HP

Tel: 028 7744 2027

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



Department of  
**Agriculture, Environment  
and Rural Affairs**  
[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

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