CONVENTION RIGHTS MEMORANDUM

Conversion Practices (Criminalisation) Bill

INTRODUCTION

1. This memorandum has been prepared for the Committee for Communities ('the Committee') to assist with its scrutiny of the Conversion Practices (Criminalisation) Bill ('the Bill').

2. The Bill was introduced on 30 June 2026. This memorandum addresses issues arising under the European Convention on Human Rights ('the Convention') and Article 2(1) of the Windsor Framework ('Article 2(1)') in relation to the Bill. It has been prepared by the Legal Services Office.

3. This memorandum does not constitute legal advice but sets out whether the Bill engages Convention rights. Where a clause of the Bill may occasion interference with one or more Convention rights, that clause may merit further scrutiny by the Committee and discussion with the member in charge of the Bill.

4. Where a clause of the Bill may engage rights which fall within the scope of Article 2(1), the rights issues in that clause are set out, and may also merit further scrutiny and discussion with the member in charge of the Bill.

5. The Convention rights given effect in domestic law are set out at Annex A to this memorandum. The text of Article 2(1) and its associated annex is set out at Annex B to this memorandum.

SUMMARY OF THE BILL

6. The Bill consists of 11 clauses. The long title describes it as a Bill to 'criminalise conversion practices'. The Explanatory and Financial Memorandum accompanying the Bill states that it seeks to criminalise practices intended to change or suppress a person's sexual orientation or gender identity, including conversion therapy and coercive conversion practices; and criminalise arranging for such practices to occur outside Northern Ireland.

SECTION 1: CONVENTION RIGHTS

7. This section sets out the Convention rights[1] which the Legal Services Office considers may be engaged by the Bill. These Convention rights are marked in the table below.

Part I	**The Convention Rights and Freedoms**	Engaged?
Article 2	Right to life	
Article 3	Prohibition of Torture	
Article 4	Prohibition of slavery and forced labour	
Article 5	Right to liberty and security	
Article 6	Right to a fair trial	X
Article 7	No punishment without law	X
Article 8	Right to respect for private and family life	X
Article 9	Freedom of thought, conscience and religion	X
Article 10	Freedom of expression	X
Article 11	Freedom of assembly and association	
Article 12	Right to marry	
Article 14	Prohibition of discrimination	
Part II	**The First Protocol**	
Article 1	Protection of Property	
Article 2	Right to Education	
Article 3	Right to free elections	

[1]As set out in section 1(1) and Schedule 1 to the Human Rights Act 1998 - see Annex A for further guidance.

CLAUSES FOR FURTHER CONSIDERATION

8. This section of the memorandum only deals with provisions of the Bill which may raise Convention rights issues. The remaining provisions of the Bill are not considered to engage the Convention rights.

9. It is to be noted that clauses 4,5, 6, 7 and 8 define terms (such as 'conversion therapy', 'coercive behaviour', 'psychological harm' and 'sexual orientation and gender identity') used in the creation of the offences in clause 1 – 3 of the Bill. These definitional clauses are important, and are considered separately, but their relevance to Convention rights arises principally from the way in which they define the scope of the offences in clauses 1 to 3.

Clause 1

10. Clause 1 of the Bill creates a criminal offence where a person provides conversion therapy with the intention of changing or suppressing the sexual orientation or gender identity of another person (referred to as 'the victim'), and the therapy causes physical or psychological harm (clause 1(1)). All three elements (provision of therapy, intent, and harm) must be present for the offence to be committed.

11. Clause 1(2) provides a defence where the therapy was reasonable in the circumstances and clause 1(3) provides that the victim's consent is not a defence. Clause 1(4) sets out penalties on conviction: on summary conviction, imprisonment for a term not exceeding 12 months, a fine not exceeding £5,000, or both; on conviction on indictment, imprisonment for a term not exceeding 2 years, or to a fine, or both.

Rights engaged: Article 6, Article 7, Article 8, Article 9, Article 10

Articles 6 and 7

12. Article 6 of the Convention is engaged where there is a determination of a criminal charge against an individual. As clause 1 establishes a criminal offence, Articles 6 and 7 (no punishment without law) are likely to be engaged. Under the Convention, 'criminal offence' has an autonomous meaning. Any offence must clearly be prescribed by law, accessible and foreseeable in its application. Put another way, a provision creating a criminal offence must be formulated with enough clarity so a person can (if necessary, with the benefit of legal advice) regulate their conduct and reasonably foresee the consequences of their actions.

13. While clause 1 appears capable of being applied compatibly with Articles 6 and 7, the Committee may wish to seek further clarification from the member as to his view on whether the offence is drafted with sufficient precision to satisfy the requirement of legal certainty. The relevant definitions for this offence are contained in clause 4 and are discussed further below.

Article 8

14. Article 8 may be noted at this point. It provides that 'everyone has the right to respect for his private and family life, his home and his correspondence'. This is a qualified right, and may be restricted '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'.

15. A more fundamental part of Article 8 is that it protects individuals from arbitrary interference in their private life, family life, home and correspondence. This includes personal identity and gender identity is a component of personal identity. Article 8 is relevant to this Bill because sexual orientation and gender identity are recognised aspects of personal identity and private life. The offences created by clauses 1, 2 and 3 are directed at conduct intended to change or suppress a person's sexual orientation or gender identity and therefore engage Article 8.

16. As a consequence, when the Committee is considering any interference with the Convention rights of those who may intend to alter the sexual orientation or gender identity of a person, it should bear in mind that there is a strong inherent respect for one's own sexual orientation and gender identity built into the Convention.

17. This is relevant in the balancing exercise to be carried out in analysing whether the legislation strikes a fair balance between the right of the individual who wishes to carry out or facilitate the conversion practice which may fall within Articles 9 or 10 of the Convention and the rights of the person who is the intended subject of that practice protected by Article 8.

Article 9

18. Clause 1 may engage Article 9 (freedom of thought, conscience and religion) where conversion therapy is provided or sought on religious grounds. Article 9 may be engaged not only in relation to individuals but also in relation to religious organisations, including churches, particularly where a measure affects their ability to organise their affairs, express religious beliefs or carry out religious activities.

19. Article 9 protects freedom of thought, conscience and religion by distinguishing the absolute right to hold or change a belief from the qualified right to manifest it in worship, teaching, practice and observance. This means a limitation on *'manifestation'* is allowed if it is prescribed by law, pursues a legitimate aim (public safety, public order, public health, public morals, or the protection of the rights and freedoms of others), and is a proportionate means of achieving the legitimate aim.

20. The European Court of Human Rights ('ECtHR') has held that manifestation refers to outward expressions of belief in worship, teaching, practice and observance, and protection applies only where the conduct is sufficiently closely linked to the belief and that not every act inspired by religion qualifies. Thus, an individual may profoundly believe in conversion therapies of the kind which may be curtailed by the

Bill – a belief protected by Article 9 – but his or her right to *manifest* that belief may be limited with reference to the protection of the rights of others.

21. The Committee may wish to consider whether the conduct potentially captured by clause 1, such as religious teaching, pastoral counselling or other forms of spiritual support, is capable of constituting a manifestation of religion or belief for the purposes of Article 9.

22. If Article 9 is engaged, the Committee may wish to consider whether any interference with the right to manifest religion or belief is justified and proportionate in pursuit of the legitimate aim of protecting individuals from harmful conversion practices, having regard to the fact that the offence applies only where there is an intention to change or suppress a person's sexual orientation or gender identity and physical or psychological harm results. The availability of a reasonableness defence may also be relevant to the assessment of proportionality.

Article 10

23. Article 10 protects freedom of expression and may be engaged by clause 1 insofar as the offence could apply to conduct involving the communication of views relating to sexual orientation or gender identity. Expressions of opinion, including those based on religious or moral beliefs, fall within the scope of Article 10, although the right is not absolute and may be subject to justified and proportionate restrictions.

24. To the extent that conduct captured by the offence constitutes an exercise of freedom of expression, the Committee may wish to consider whether any interference with freedom of expression is prescribed by law, pursues a legitimate aim and is necessary in a democratic society. In particular, the Committee may wish to consider whether the restriction strikes a fair balance between the right to freedom of expression and the general right to private life protected by Article 8, as well as the particular benefit of preventing behaviour which causes physical or psychological harm.

25. In assessing proportionality, regard may be had to the fact that the offence applies only where there is an intention to change or suppress a person's sexual orientation or gender identity and where physical or psychological harm results. The availability of a reasonableness defence may also be relevant to that assessment.

Clause 2

26. **Clause 2(1)** of the Bill creates an offence where a person engages in coercive behaviour towards another person ('the victim') with the intention of changing or suppressing the victim's sexual orientation or gender identity, and the victim suffers physical or psychological harm as a consequence of the behaviour. For the offence to be established, all three elements must be present (coercive behaviour, intention, and harm).

27. **Clauses 2(2)** states that it is a defence if the coercive behaviour was reasonable in the particular circumstances. **Clause 2(3)** states that the victim's consent is not a defence.

28. **Clause 2(4)** provides that a person convicted of the offence may face up to 12 months' imprisonment or to a fine not exceeding £5,000, or both; and (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or both.

Rights engaged: Article 6, Article 7, Article 8 Article 9 Article 10

Articles 6 and 7

29. As clause 2 establishes a criminal offence, Articles 6 and 7 are likely to be engaged.

30. There is no reason to believe that the procedural safeguards that would be afforded to a person prosecuted for the offence in clause 2 would not meet the requirements of Article 6. As set out above, 'offence' has an autonomous mean within the Convention and any offence must clearly prescribed by law, accessible and foreseeable in its application (see the discussion at paragraph 11 above),

31. While clause 2 appears capable of being applied compatibly with Articles 6 and 7, the Committee may wish to seek further clarification from the member on whether in his view the offence is drafted with sufficient precision to satisfy the requirement of legal certainty. Relevant definitions are contained in clause 5 and are considered further below.

Article 8

32. Clause 2 may engage Article 8 as it concerns conduct directed at an individual's sexual orientation or gender identity, both of which are recognised aspects of personal identity and private life. The clause may also engage Article 8 in the context of family relationships, including the rights of parents in relation to the upbringing of their children and the rights of children and young people in respect of their personal autonomy, identity and private life.

33. The Committee may wish to consider how the clause balances the Article 8 rights of parents in the context of family life with the Article 8 rights of children and young people in respect of their personal autonomy, identity and private life.

Article 9

34. Clause 2 may engage Article 9 where coercive behaviour is alleged to have occurred in a religious or pastoral context, for example where advice, counselling or other forms of religious ministry are intended to influence a person's sexual orientation or gender identity. The Committee may wish to consider whether such conduct constitutes a manifestation of religion or belief for the purposes of Article 9.

35. If Article 9 is engaged, the Committee may wish to consider whether any interference with the right to manifest religion or belief is justified and proportionate. The Article 8 rights of the person who is subject of the coercive behaviour to respect for their sexual orientation and gender identity are also relevant. The offence is completed only where coercive behaviour is intended to change or suppress a person's sexual orientation or gender identity and results in physical or psychological harm. The availability of a reasonableness defence may also be relevant to that assessment.

Article 10

36. Article 10 protects the right to freedom of expression and may be engaged by clause 2 insofar as coercive behaviour could involve speech or communication relating to a person's sexual orientation or gender identity. The Committee may wish to consider whether conduct falling within the scope of the offence is capable of amounting to an exercise of freedom of expression for the purposes of Article 10.

37. If Article 10 is engaged, the Committee may wish to consider whether any interference with freedom of expression is prescribed by law, pursues a legitimate aim and is necessary in a democratic society. In particular, the Committee may wish to consider whether the restriction strikes a fair balance between the right to freedom of expression and the general right to private life protected by Article 8, as well as the particular benefit of preventing behaviour which causes physical or psychological harm.

38. In assessing proportionality, relevant factors may include the requirement to prove an intention to change or suppress a person's sexual orientation or gender identity, the requirement that physical or psychological harm result, and the availability of a reasonableness defence.

Clause 3

39. **Clause 3**(1) of the Bill creates an offence of removing a person from Northern Ireland, or facilitating their removal, for the purpose of subjecting them to conversion practices. For the offence to be completed, it must be shown that the accused caused or facilitated the victim's departure from Northern Ireland, intended that they be subjected to conversion therapy or coercive behaviour aimed at changing or suppressing their sexual orientation or gender identity, and was reckless as to whether they would suffer physical or psychological harm as a result.

40. **Clauses 3(2)** states that it is a defence if the coercive behaviour was reasonable in the particular circumstances, but not that the victim consented. **Clause 3(3)** states that the victim's consent is not a defence.

41. **Clause 3(4)** provides that a person convicted of the offence may face up to 12 months' imprisonment or to a fine not exceeding £5,000, or both; and (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or both.

Rights engaged: Article 6, Article 7, Article 8 and Article 9

Articles 6 and 7

42. As clause 3 establishes a criminal offence, Articles 6 and 7 are likely to be engaged. However, there is no reason to believe that the procedural safeguards that would be afforded to a person prosecuted for the offence in clause 3 would not meet the requirements of Article 6.

43. Additionally, an offence must be prescribed by law, accessible and foreseeable in its application. The Committee may wish to consider whether the elements of the offence, including the definitions incorporated from elsewhere in the Bill, provide sufficient legal certainty and foreseeability (see the discussion at paragraph 11 above) In this regard, the Committee may also wish to explore with the member why the third element of the offences created by clauses 1 and 2 require that a person who is the subject of the conversion practice or coercive behaviour suffers physical or psychological harm, while clause 3 requires only that the person who causes or facilitates the subject to leave Northern Ireland is reckless as to whether the subject suffers physical or psychological harm (and thus the offence can be completed even if no harm in fact occurs).

Article 8

44. As noted in relation to clauses 1 and 2, clause 3 may engage Article 8 as it concerns matters of personal identity, including sexual orientation and gender identity, which are recognised aspects of private life. The clause may also engage Article 8 in the context of family relationships involving parents and children.

Article 9

45. Clause 3 may engage Article 9 if it can be argued that making arrangements for a person to travel outside Northern Ireland for the purpose of receiving support, counselling or other services intended to change or supress their sexual orientation or gender identity is a manifestation of religion or belief. The Committee may wish to consider whether conduct of this kind is sufficiently closely linked to a religion or belief to amount to a manifestation for the purposes of Article 9.

46. If the Committee does decide that conduct of this kind is capable of constituting a manifestation of religion or belief for the purposes of Article 9, it may wish to consider whether any interference with Article 9 rights is justified and proportionate in light of the general right to private life protected by Article 8, as well preventing behaviour which may cause physical or psychological harm.

47. In that regard, it may be relevant that the offence applies only where a person intends that conversion therapy or coercive behaviour will change or suppress a person's sexual orientation or gender identity and is reckless as to whether physical or psychological harm will result. The availability of a reasonableness defence may also be relevant to the proportionality assessment.

Clause 4

48. **Clause 4** defines the term 'conversion therapy' for the purposes of the Bill. **Clause 4(1)** provides that a person provides or carries out conversion therapy if they provide or carry out:(a) counselling or any form of talking therapy, (b) coaching or instruction, or(c) a treatment or purported treatment. It is immaterial whether the therapy is provided free of charge or for payment.

49. **Clause 4(3)** excludes certain therapy provided by individuals regulated by specified professional bodies, including the General Medical Council, Health and Care Professions Council, General Pharmaceutical Council and Pharmaceutical Society of Northern Ireland, where that therapy is provided in accordance with the standards and code of ethics of the relevant regulator.

50. The principal purpose of clause 4 seems to be to set out when conversion therapy **does not** fall within the Act. Under clause 1, to provide or carry out conversion therapy is an offence if it takes place in conjunction with (i) the intention of change or supressing the sexual orientation or gender identity of the person who is the subject and (ii) causes harm. But conversion therapy which is intended to change or suppress sexual orientation or gender identity is not an offence if it is being provided or carried out by a body specified in clause 4. Similarly, to remove or facilitate the removal of a person from Northern Ireland under clause 3 does not fall within the Bill if the conversion therapy is to be provided outside Northern Ireland by a body specified in clause 4.

51. The effect is that conversion therapy subject to oversight by (for example) by the GMC cannot be an offence under the Bill, while that carried out only under the auspices of a church may be an offence.

Right engaged: Article 7

Article 7

52. As noted above, clause 4 is a definitional provision and is primarily relevant to the issues of legal certainty and foreseeability discussed in relation to clauses 1 and 3 of the Bill. The Committee may wish to explore with the member whether the definition provides sufficient clarity as to the scope of conduct captured by the offences.

Clause 5

53. **Clause 5** defines the term 'coercive behaviour' for the purposes of the offence in Clause 2. Coercive behaviour includes**:** violent behaviour, threatening behaviour**,** controlling, regulating or monitoring a person's day-to-day activities**,** depriving or restricting a person's freedom of action, and behaviour that makes a person feel frightened, humiliated, degraded, punished or intimidated.

54. Coercive behaviour does not include a failure to do something. **Clause 5(3)** further provides that coercive behaviour must occur on two or more occasions, and may consist either of the same behaviour repeated or different forms of behaviour occurring on different occasions.

Rights engaged: Article 7 and Article 8

Article 7

55. As with clause 4, it is important to note that coercive behaviour as it is defined in clause 5 is not made an offence by that clause (although the kind of behaviour described may well be an offence under other enactments or at common law).

56. Rather clause 5 is simply an interpretation provision which defines the term 'coercive behaviour'. Its relevance is therefore primarily to the issues of legal certainty and foreseeability discussed above in relation to those clauses.

Article 8

57. The clause may also be relevant to Article 8, as the definition of coercive behaviour helps to determine the scope of the protection afforded by the Bill to individuals' physical and psychological integrity, personal autonomy and private life. The Committee may wish to consider whether the definition is sufficiently clear and proportionate for that purpose.

Clause 6

58. **Clause 6** explains how references to a person's sexual orientation and gender identity are to be interpreted throughout the Bill. Under clause 6(1), a reference to a victim's sexual orientation or gender identity includes both(a) what the victim considers it to be and(b) what the accused person considers it to be.

59. **Clause 6(2**) further provides that a reference to a person's sexual orientation includes a person having no sexual orientation towards other persons.

Rights engaged: Article 7 and Article 8

Article 7

60. Clause 6 may engage Article 7 as it defines 'sexual orientation and gender identity' for the purposes of criminal offences created by other provisions of the Bill.

61. By providing that references to a person's sexual orientation or gender identity include both what the person considers it to be and what another person considers it to be, the clause is presumably intended to ensure that protection is not dependent on the accuracy of the accused's perception. It therefore appears to be irrelevant for the purposes of clauses 1, 2 and 3 what the sexual orientation or gender identity of a person who is subject to conversion therapy or coercive

behaviour actually is (or is thought to be) as long as the intention is to change it to something else.

62. While some degree of subjectivity in a provision of this kind is inevitable, given the potential range of gender identities, the Committee may wish to explore with the member whether any more detailed provision in this clause was considered.

Article 8

63. Clause 6 may also be relevant to Article 8 as it defines the concepts of sexual orientation and gender identity, which form part of an individual's private life and personal identity. The Committee may wish to consider whether the definition provides sufficient clarity for the purposes of the offences created elsewhere in the Bill.

Clause 7

64. **Clause 7** sets out circumstances in which a person will not be regarded as having the prohibited intent to change or suppress a person's sexual orientation or gender identity. **Clause 7(1)** provides that there is no such intent where:(a) there is no intention to direct a person towards a particular sexual orientation or gender identity, (b) the intention is solely to express beliefs or opinions without directing a person towards a particular sexual orientation or gender identity, or(c) the intention is to affirm a sexual orientation or gender identity that the person considers is, or may be, their own.

65. **Clause 7(2)** provides that, when determining whether the required intent exists, it is irrelevant whether the conversion therapy or coercive behaviour actually changes or suppresses, or is capable of changing or suppressing, the person's sexual orientation or gender identity.

Rights engaged: Article 7, Article 9 and Article 10

Article 7

66. Clause 7 may engage Article 7 as it clarifies the circumstances in which a person will, and will not, be regarded as having the intention to change or suppress a person's sexual orientation or gender identity. The Committee may wish to consider whether the distinction drawn between expressing beliefs or opinions and directing a person towards a particular sexual orientation or gender identity is sufficiently clear and foreseeable for the purposes of criminal liability.

Article 9

67. Clause 7 may engage Article 9 because it seeks to distinguish between conduct intended to change or suppress a person's sexual orientation or gender identity and the expression of beliefs or opinions, which are expressly excluded from the scope of the offence.

68. The Committee may wish to consider whether the provision provides sufficient protection for the manifestation of religion or belief, whilst ensuring that harmful conversion practices remain capable of being prohibited.

Article 10

69. Clause 7 may engage Article 10 because it distinguishes between the expression of beliefs or opinions and conduct intended to direct a person towards a particular sexual orientation or gender identity. The Committee may wish to consider whether this distinction is sufficiently clear and whether any resulting interference with freedom of expression is justified and proportionate to the objective of protecting individuals from harmful conversion practices.

Clause 8

70. **Clause 8** makes provision for a definition of psychological harm which includes '*fear, alarm or distress*.'

Rights engaged: Article 7, Article 8

Article 7

71. Clause 8 may engage Article 7 because it defines 'psychological harm' for the purposes of criminal offences under the Bill. The Committee may wish to consider whether the inclusion of 'fear, alarm or distress' provides a sufficiently clear and foreseeable basis for criminal liability.

Article 8

72. As a definitional provision, clause 8 may also be relevant to Article 8 insofar as the definition of psychological harm informs the protection afforded to an individual's psychological integrity by the offences created elsewhere in the Bill. The Committee may wish to consider whether the definition provides sufficient clarity as to the harm intended to be addressed and supports an appropriate balance between the protection of individuals and any competing Convention rights.

Clause 9

73. **Clause 9** amends Article 29(1) of the Magistrates' Court (Northern Ireland) Order 1981 to make provision that offences under the Bill will not have the right to claim trial by jury. This is only applicable in relation to summary offences.

Right engaged: Article 6

74. Clause 9 may engage Article 6 as it removes the right to claim trial by jury for offences under the Bill. The Committee may wish to consider whether the provision

maintains the overall fairness of criminal proceedings, having regard to the fact that Article 6 does not require jury trial in all criminal cases.

SECTION 2: ARTICLE 2(1) OF THE WINDSOR FRAMEWORK

75. It is not considered that any clause in the Bill falls within the scope of Article 2(1) of the Windsor Framework.

SECTION 3: SUMMARY

76. Clauses 1 to 9 may engage the Convention rights noted above. However, none appears on its face to be incompatible with the Convention.

77. The principal Convention considerations arise in relation to clause 4 and the clarity of certain terms used in the definition of 'conversion therapy', together with the operation of clauses 1, 7 and 8.

78. The Committee may wish to explore these issues further with the member, but no provision has been identified as giving rise to a clear incompatibility with the Convention.

79. Article 2(1) of the Windsor Framework is not engaged by the Bill.

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Legal Services Office
13 October 2026

ANNEX A: THE CONVENTION RIGHTS AND FREEDOMS

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 defence 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 defence;
    (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.

Article 16: Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17: Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18: Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

Article 1 of the First Protocol: Protection of property

(1) 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.

(2) 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.

Article 2 of the First Protocol: 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.

Article 3 of the First Protocol: 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.

ANNEX B: ARTICLE 2 OF THE WINDSOR FRAMEWORK

Article 2: Rights of individuals

(1) The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.

(2) The United Kingdom shall continue to facilitate the related work of the institutions and bodies set up pursuant to the 1998 Agreement, including the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland, in upholding human rights and equality standards.

Annex 1: provisions of Union law referred to in Article 2(1)

80. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services[2]

81. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation[3]

82. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin[4]

83. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation[5]

84. Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC[6]

[2] OJ L 373, 21.12.2004, p. 37.
[3] OJ L 204, 26.7.2006, p. 23.
[4] OJ L 180, 19.7.2000, p. 22.
[5] OJ L 303, 2.12.2000, p. 16.
[6] OJ L 180, 15.7.2010, p. 1.

85. Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security[7]

[7] OJ L 6, 10.1.1979, p. 24.