

CONVENTION RIGHTS MEMORANDUM

The Adult Protection Bill

INTRODUCTION

1. This memorandum has been prepared for the Committee for Health ('the Committee') to assist with its scrutiny of the Adult Protection Bill ('the Bill').
2. The Bill was introduced on 17 June 2025. This memorandum addresses issues which may arise 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. The memorandum sets out whether this Bill engages Convention rights, and where there is potential interference with a Convention right those clauses may merit further scrutiny by the Committee.
4. 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 Department of Health ('the Department').
5. Where a clause of the Bill may engage rights which fall within the scope of Article 2(1), the rights issues in those clauses are set out, and may also merit further scrutiny and discussion with the Department to identify any potential incompatibility with Article 2(1).
6. The Convention rights given effect in domestic law are set out at Annex A to this memorandum. The text of Article 2(1) of the Windsor Framework and its associated annex is at Annex B to the memorandum.

SUMMARY OF THE BILL

7. The Bill consists of 51 clauses and no schedules. The long title describes it as '*a Bill to make provision for the purposes of protecting adults from harm; and for connected purposes*'. The Bill makes statutory provision in relation to the safeguarding of adults who are at risk of harm. It provides additional elements to the adult protection process and is said to bring Northern Ireland in line with other parts of the UK.
8. The Bill is divided into four substantive parts. Part 1 deals with the protection of adults at risk of harm with new powers for the Health and Social Care ('HSC') Trusts. Part 2 provides for an adult protection board for Northern Ireland, part 3 creates five new criminal offences arising from ill-treatment or wilful neglect for

those in care, and part 4 deals with the regulation of CCTV in certain establishments, such as nursing homes and mental health units.

9. Part 1 of the Bill introduces seven principles relevant to the exercise of functions by public bodies:
 - prevention,
 - autonomy,
 - empowerment,
 - dignity,
 - proportionality,
 - partnership,
 - accountability.

SECTION 1: CONVENTION RIGHTS

10. This section sets out the Convention rights¹ which the Legal Services Office considers may be engaged by the Bill. These Convention rights are marked in the table below with 'x'.

Part I	The Convention Rights and Freedoms	Engaged
Article 2	Right to life	
Article 3	Prohibition of Torture	x
Article 4	Prohibition of slavery and forced labour	
Article 5	Right to liberty and security	x
Article 6	Right to a fair trial	x
Article 7	No punishment without law	
Article 8	Right to respect for private and family life	x
Article 9	Freedom of thought, conscience and religion	
Article 10	Freedom of expression	
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	x
Article 2	Right to Education	
Article 3	Right to free elections	

¹ As set out in Section 1(1) and Schedule 1 of the Human Rights Act 1998, see Annex A for further guidance

CLAUSES FOR FURTHER CONSIDERATION

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

Clause 2

12. This clause defines the term ‘adult at risk’ for the purposes of the Bill and harm for the purposes of Part 1 of the Bill (all harmful conduct including physical, psychological or unlawful conduct, including harm by negligence or omission).

Right engaged: Article 3

13. Article 3 (the prohibition of torture) primarily has a negative obligation where the State has a duty not to inflict torture and inhuman or degrading treatment or punishment on individuals. However, there is also a positive obligation which requires first, that the State has in place a legislative and regulatory framework of protection; secondly, in certain well-defined circumstances, an obligation for the State to take operational measures to protect specific individuals against a risk of treatment contrary to that provision; thirdly, an obligation to carry out an effective investigation into arguable claims of infliction of such treatment.
14. As this clause defines who an ‘adult at risk’ is and what harmful conduct is, the Committee may wish to raise with the Department whether the definitions encompass the types of ill treatment envisaged by Article 3, particularly as the Explanatory and Financial Memorandum confirms that self-harm is not included.

Clause 3

15. This clause creates a duty on an HSC trust to make inquiries if the trust has reasonable cause to suspect the person is an adult at risk and that the trust might need to intervene. The HSC trust is to have regard to the importance of the provision of an independent advocate (defined by clause 26) to the adult if intervention is required.

Right engaged: Article 8

16. Article 8 protects individuals from arbitrary interference in their private life, family life, home and correspondence. Article 8 places both negative obligations, where the State has to refrain from any unlawful interference with the right; and also positive obligations, to adopt measures to protect the rights of individuals (both against the state and between individuals).

17. Where an HSC trust is making inquiries into a person suspected of being at risk, an interference with their private and family right may arise. The Committee will wish to be satisfied that any such interference is a proportionate means of achieving the protection of the individual. However, the Committee will note that, as public authorities, HSC trusts are under a discrete obligation to carry out their functions in a manner compatible with the Convention rights (section 6 of the Human Rights Act 1998 – ‘HRA’).

Clause 4

18. This clause places a duty on various public bodies to report to an HSC trust on any adult at risk who may require intervention to protect them from harm. The duty is placed on HSC trusts (since an adult may come to the attention of more than one trust), members of the police force and any Harbour or Airport police, the Regional Agency for Public Health and Social Well-being, the Regulation and Quality Improvement Authority (‘RQIA’), the Probation Board, Northern Ireland Housing Executive, and persons providing primary medical services or health or social care services. The clause also contains a duty to co-operate.

Right engaged: Article 8

19. Where a body is reporting a person to an HSC trust on the basis that a person may be at risk, an interference with their private and family right, and the lives of those associated with them, may arise. The Committee will wish to be satisfied that any such interference is a proportionate means of achieving the protection of the individual. However, the Committee will note that the bodies on which the duty is placed under this clause are themselves public bodies with a discrete obligation to carry out their functions in a manner compatible with the Convention rights.

Clause 5

20. This provides that a social worker may enter any premises for the purpose of enabling or assisting an HSC trust conducting inquiries under clause 3 to decide if a person is an adult at risk and if intervention is required to protect that adult from harm.

Right engaged: Article 8

21. Where a social worker is entering the premises of an adult suspected of being at risk, this may engage that person’s Article 8 rights to a private life, as well as the Article 8 rights of others who may be present on the premises. The Committee will wish to be satisfied that any such interference is a proportionate means of achieving the protection of the individual.

22. In this regard the Committee may wish to consider the provisions of clause 18, which provide further rules on the manner in which such visits are to be carried out, and specify that the social worker may not use force during, or in order to, facilitate a visit. The Committee will note that as employees of public authorities, social workers are under a discrete obligation to carry out their functions in a manner compatible with the Convention rights.

Clause 7

23. This clause provides that where a social worker carrying out a visit under clause 5 is a health professional, or accompanied by a health professional, the health professional may, in private, conduct a medical examination of the adult at risk. The adult at risk can refuse to be examined.

Right engaged: Article 8

24. As a person's physical and moral integrity falls within the scope of Article 8, any medical examination is likely to engage this right. Although the adult at risk is to be informed of their right to refuse an examination, the Committee may wish to raise with the Department issues around informed consent (i.e. how it is to be ensured that the social worker or health professional is in a position to know if the adult at risk is capable of understanding their right to refuse the examination).

Clause 8

25. This clause provides that if a social worker has reasonable cause to believe that an adult is at risk then they can require any person holding health, financial or other records relating to the adult at risk to provide these. If the records are being held by a person other than the adult at risk, that person must consent. If consent is refused, or the person holding the records lacks capacity to consent, or if there is a failure to produce, the HSC trust can apply to a magistrates' court for a production order.
26. Where records are produced, they may be inspected by the social worker, or any other person the social worker considers appropriate for the purposes of determining whether the person is an adult at risk, and if so whether intervention is required to protect that person from harm.

Right engaged: Article 8

27. Where records of individuals are being accessed and inspected, this is likely to interfere with the Article 8 rights of these individuals. The Committee will wish to be satisfied that any such interference is a proportionate means of achieving the protection of the individual.

28. The Committee will note that where the records are held other than by the individual thought to be at risk, consent is required. If consent is refused, where the person holding the records lacks capacity to consent, or if there is a failure to produce (which may be a failure by the adult at risk if that person holds the records) a production order will be required. It will be for a court to decide whether a production order is necessary in each case, taking account of the matters set out at clause 8(5), as well as the rights set out in the Convention.
29. Where a person has to produce documents under a production order, this may also interfere with the peaceful enjoyment of the person's property. However, the matters set out in the previous paragraph relevant to the exercise of the court's powers are likely to mean that any such interference is proportionate means of achieving the protection of the individual at risk.

Clause 10

30. This clause provides for assessment orders which authorise a social worker to take a specified person from the premises being visited in order to allow the social worker to interview them, arrange for a medical examination, or both. This is only permitted to enable the HSC trust to decide whether the person is an adult at risk and if intervention is necessary.
31. An assessment order is valid from the date specified in the order and expires seven working days after that date. Clause 10(3) sets out the matters of which the court must be satisfied to grant an assessment order. Clause 17 makes further provision for assessing the consent of the adult affected.

Rights engaged: Article 5, Article 8, Article 1 of the First Protocol

32. Article 5(1) protects persons from unlawful deprivation of liberty. An assessment order may be utilised to authorise a social worker to take the adult at risk from the premises in which they are located to other premises to carry out a medical examination, or an interview, or both a medical examination and an interview. While this seems likely to result in only a short-term deprivation of liberty, it may engage Article 5.
33. The Committee may wish to raise with the Department the potential for Article 5 to be engaged - the starting point will be the adult at risk's concrete situation and the type, duration, effects and manner of implementation of the measure in question.
34. The removal of the adult at risk under an assessment order for the purposes of interview/medical examination is also likely to engage the Article 8 right to private and family life and the right to peaceful enjoyment of property protected by Article 1 of the First Protocol ('A1P1').

35. However, the Committee will note that an assessment order can be made only by a court, with reference to the matters set out in clause 10(3) and clause 17 as well as the rights set out in the Convention, and the rights engaged by this clause will be balanced by the court as part of that process.

Clause 11

36. Clause 11 concerns removal orders. An HSC trust may apply to a magistrates' court for a removal order to move a specified person to specified premises within 72 hours of the order being made. It allows the trust to take such reasonable steps as it thinks fit to protect the person from harm. Before making a removal order, a court must be satisfied that the person is an adult at risk who is likely to be seriously harmed if not moved and the premises are available and suitable. A removal order will last for 7 working days after the day on which the person is moved. Clause 17 makes further provision for assessing the consent of the adult affected.

Rights engaged: Article 5, Article 8, A1P1

37. The power to make removal orders raises issues comparable to those regarding assessment orders. Removal orders may engage Article 5 but again seem likely to result in only a short-term deprivation of liberty. Again, the Committee may wish to raise with the Department the potential for Article 5 to be engaged, and also to consider the kind of 'specified premises' into which the adult at risk is likely to be removed.
38. Removal orders may engage the Article 8 right to private and family life and the A1P1 right to peaceful enjoyment of property. In this regard, the Committee will note that a removal order can only be made by a court, with reference to the matters set out in clause 11(2), as well as the rights set out in the Convention, and the various rights engaged by this clause must be balanced by the court as part of the judicial process.

Clause 12

39. Clause 12 makes provision for a magistrates' court to make a banning order, which prevents the subject of the order from being in, or in the area of, specified premises. Such an order may be made if a court decides (principally) an adult at risk is being, or is likely to be, seriously harmed by another person and that the adult at risk's well-being or property would be better safeguarded by banning that other person from premises occupied by the adult than it would be by moving the adult from those premises.
40. A banning order will expire on the date specified or revoked, or six months after it has been granted. Particular provision is made for the consent of the adult affected

by clause 17.

Rights engaged: Article 8, A1P1

41. Where a banning order prevents a person from being in specified location, this may engage the Article 8 rights of that person. It may also engage the right to peaceful enjoyment of property under A1P1. However, the conditions under which such an order may be made are clearly set out in clause 13(5) and the court will also be aware of the relevant Convention rights.

Clause 16

42. This creates an offence for failure to comply with a banning order or temporary banning order. A person guilty of this offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (i.e. up to £1,000).

Right engaged: Article 6

43. Article 6(1) is engaged where there is to be a determination of an individual's civil rights and obligations, or of any criminal charge against them. Article 6 requires that the law creating an offence is adequately accessible, and is formulated with sufficient precision to enable the citizen, if necessary with legal advice, to regulate his conduct.
44. The Committee should be satisfied that the particulars of the offence of failure to comply with a banning order are sufficiently clear. The Committee will note that the substance of the offence is set out at clause 12. Further, the offence is not committed if a person has a reasonable excuse for his or her behaviour. The offence is punishable only by a fine.

Clause 19

45. This clause provides for warrants for entry under clause 5 or 11 of the Bill. A magistrates' court granting an assessment order must also grant a warrant for entry in relation to a visit under clause 5 of premises from which a person may be taken. A court may only do so if satisfied that a social worker has been or reasonably expects to be refused entry in relation to a visit or that any attempt to do so without a warrant would defeat the purpose of the visit. An order under clause 11(5) (removal order) must also include a grant for a warrant for entry.
46. The warrant will also provide for a constable who, at the request of the social worker, accompanies the social worker to do anything, using reasonable force where necessary, which the constable considers to be reasonably required to fulfil the object of the visit. A warrant will expire 72 hours after it is granted.

Rights engaged: Article 8, A1P1

47. The use of a warrant (which must accompany assessment and removal orders) is likely to engage the Article 8 right to private and family life and the A1P1 right to peaceful enjoyment of property. The Committee may consider it relevant that a warrant can be issued only by a court, and the Convention rights engaged by this clause will be balanced by the court as part of the process. It is also relevant that clause 20 includes notice provisions for those who may be affected by assessment, removal and banning orders, and makes provision for representations to be made on behalf of persons affected.

Clause 23

48. This clause provides for an offence where a person prevents or obstructs any other person from doing anything which the other person is entitled to do by any provision of Part 1 of the Bill. A person guilty of an offence under this clause is liable on summary conviction to a fine not exceeding level 3 and/or a term of imprisonment not exceeding 3 months.
49. Notably, a refusal to allow a social worker, or any person accompanying a social worker, to carry out a visit which is not authorised by a warrant for entry does not constitute an offence under the clause. Additionally, nothing done by a person whose well-being or property another person is attempting to investigate or protect constitutes an offence under the clause.

Right engaged: Article 6

50. The Committee should be satisfied that the particulars of the obstruction offence are sufficiently clear to enable the citizen, if necessary with legal advice, to regulate his or her conduct. The Committee will note that the offence is punishable by a fine or a term of imprisonment not exceeding 3 months. A refusal to allow a social worker, or any person accompanying a social worker, to carry out a visit which is not authorised by a warrant for entry is not an offence under the clause. Additionally, nothing done by a person whose well-being or property another person is attempting to investigate or protect is an offence under the clause.

Clause 25

51. This clause provides that there is no appeal against an application for a production order, an assessment order, a removal order or a warrant for entry. An appeal can be made to the county court against a decision in relation to a banning order or temporary banning order, or variation or revocation of such, but only with the leave

of the magistrates' court. Clause 25(3) makes further provision for appeal against the county court. A banning order or temporary banning order may continue to have effect while an appeal is pending.

Right engaged: Article 6

52. Although Article 6 does not guarantee a right of appeal, it does require a fair hearing. The Committee may wish to raise with the Department, the lack of appeal against the granting of an assessment order, a removal order or a warrant of entry.
53. However, the reason for the absence of appeal provisions for these orders is probably fairly self-explanatory, in that assessment and removal orders only have effect for a maximum of seven days, and warrants are valid only for 72 hours.
54. While the interference with Convention rights likely to arise from a production order (an order to produce health, financial or other records relating to an adult at risk) is not significant, the Committee will note that production orders do not appear to be time limited and cannot be appealed, and may wish to raise this with the Department.

Clause 28

55. This clause places a duty on HSC trusts exercising functions under Part 1 of the Bill to establish the views of relevant persons, have regard to those views and keep relevant persons informed as to the exercise of functions. 'Relevant persons' are defined as the adult's nearest relatives, carer of the adult and any other person who has an interest in the adult's well-being or property.

Right engaged: Article 8

56. Taking into account the views of relevant persons about an adult may engage that adult's Article 8 rights to a private life. However, the Committee will note that the duty arises only so far as the HSC trust considers it '*reasonably practical and appropriate*'. In addition, as a public authority, the relevant HSC trust is required to carry out its functions in manner compatible with the Convention.

Clause 38

57. This clause provides that it is an offence for an individual who has the care of an adult by virtue of being a care worker to ill-treat or wilfully neglect an adult. The maximum penalty following conviction on trial by indictment is five years or an unlimited fine (or both) and on summary trial imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

Right engaged: Article 6

58. Article 6 requires that the law be adequately accessible, and (whether arising from statute or common law) should be formulated with sufficient precision to enable the citizen, if necessary with legal advice, to regulate his conduct. The Committee will wish to be satisfied that the concepts of ‘*ill-treat[ment]*’ and ‘*wilful neglect*’ are sufficiently clear. In this regard it may be noted that ‘*ill-treat[ment]*’ is a fairly self explanatory term, and the term ‘*wilful neglect*’ communicates a well-established legal concept, used in multiple statutes.

Clause 39

59. This clause creates a ‘*care provider*’ offence. It uses concepts similar to clause 38, but the offence has three limbs. A care provider commits an offence if (i) an individual who has the care of an adult by virtue of being part of the care provider’s arrangements ill-treats or wilfully neglects that adult; (ii) the care provider’s activities are managed or organised in a way which amounts to a gross breach of a relevant duty of care owed by the care provider to the adult who is ill-treated or neglected, and (iii) in the absence of the breach, the ill-treatment or wilful neglect would not have occurred or would have been less likely to occur.

Right engaged: Article 6

60. Article 6 requires that the law be adequately accessible, and (whether arising from statute or common law) should be formulated with sufficient precision to enable the citizen, if necessary, with legal advice, to regulate his conduct. However, the concepts which form part of this offence - ill-treatment, wilful neglect and gross breach of a relevant duty of care - are well-established legal concepts. The Committee will also note that the threshold for the offence appears relatively high.

Clause 40

61. This clause sets out the penalties linked to the care provider offence under clause 39. These are (a) on conviction on indictment a fine; (b) on summary conviction a fine not exceeding the statutory maximum.

62. Clause 40(2) provides that the court may also make, instead of or in addition to imposing a fine, a remedial order or a publicity order or both. It is an offence to not comply with a remedial or publicity order, with the penalty being, on indictment, a fine, and on summary conviction a fine not exceeding the statutory maximum.

Rights engaged: Article 8, A1P1

63. The making of a publicity order may engage the Article 8 and A1P1 rights of care providers. However, the making of such orders will follow on conviction by a court and the relevant Convention rights will be factors to be taken into account by the

court in determining the relevant sentence.

Clause 46

64. Clause 44 provides that regulations may, in relation to a day care setting, a nursing home, a residential care home or a mental health unit, make provision about the installation and use of a CCTV system on those premises for the purpose of safeguarding adults at risk who reside in, or use the services provided in those premises.
65. The content of regulations is not a matter for the Committee at this stage, because section 24 of the Northern Ireland Act 1998 prevents the Department from making any regulations incompatible with the Convention. However, clause 46 of the Bill deals with the role of the RQIA as regards such premises, and the powers conferred on the RQIA by the Bill may be considered by the Committee at this stage.
66. Clause 46(1) details that it is a function of the RQIA to monitor and enforce compliance with regulations under clause 44. Clause 46(4) provides the RQIA with the power to require information from a responsible authority relevant to the exercise of its functions under clause 46(1). Clause 46(5) authorises the RQIA to enter and inspect premises of an establishment as long as it is not wholly or mainly used as a private dwelling. If it is a private dwelling the occupier must consent.
67. Clause 46(8) states that a person from the RQIA entering and inspecting such premises must, if required, produce an authenticated document showing their authority to exercise their power. Clause 46(9) provides that it is an offence to obstruct or fail to comply with a requirement under the clause. Clauses 49(10)-(12) details that a person authorised under the clause may inspect premises, seize relevant material, take photographs, and inspect computer records.

Rights engaged: Article 8, A1P1

68. Article 8 is likely to be engaged by the various powers of the RQIA set out in the clause, although it is to be noted that if the premises to which the clause applies are wholly or mainly used as a private dwelling, the occupier's consent is required. Clause 44 does not appear to provide for regulations to require the occupier of premises to which the clause applies to provide CCTV but sets out matters which may be regulated if CCTV is installed.
69. The compliance and enforcement powers of the RQIA set out in this clause may involve an interference with the right to peaceful enjoyment of property protected by A1P1, but the provision for the RQIA's examination and inspection may be a proportionate means of safeguarding the rights of persons living or using the premises where CCTV is operated in accordance with any regulations made under clause 44.

70. The Committee will wish to be satisfied that, should such regulations be made, the enforcement powers of the RQIA in enforcing compliance with such regulations represent a proportionate means of achieving a legitimate aim. The Committee may wish to inquire of the Department the purposes for which these powers are conferred on the RQIA, but the extent of the compliance and enforcement powers appear orthodox, and the offence of non-compliance may only be dealt with summarily.
71. The Committee will also note that as a public authority the RQIA is under a discrete duty to exercise the powers conferred by the clause in a manner compatible with the Convention.

Clause 47

72. This clause provides restrictions on the disclosure of confidential information obtained as part of inspections carried out under clause 46. A person is not required to provide confidential information unless consent is obtained, it is anonymised information, or, if the information cannot be anonymised, the RQIA believe there is a serious risk to the health or safety of any person and due to the urgency of the matter consent cannot be obtained. Clause 47(2) also provides that a person is not required under clause 46 to provide information the disclosure of which is prohibited under another statutory provision. Clause 47(4) defines '*confidential information*' as 'information which is held subject to a duty of confidence'.

Right engaged: Article 8

73. Disclosure of confidential information may engage a person's Article 8 right to a private life. The clause provides that use of such information will in most cases require consent, and the clause sets out clear grounds allowing the use of such information without consent. Where another statutory provision prohibits disclosure of such information, it will not usually be necessary for it to be disclosed. The Committee will wish to be satisfied that provision for the use of confidential information represent a proportionate means of achieving a legitimate aim. In this regard, the Committee will note the safeguards and limitations as regards the use of confidential information set out in clause 47(1) and (2) as well as the provision for anonymisation of such information in clause 47(3).

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

74. 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

- There are no clauses or provisions of the Schedules to the Bill which call for particular scrutiny by the Committee.
- Minor elucidation might be sought from the Department on how several provisions will operate in practice, but none raise particular concerns as regards compatibility with the Convention.
- Article 2(1) is not engaged by the Bill.

Legal Services Office
05 November 2025

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)

- 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 services¹
- 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 occupation²
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin³
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation⁴
- 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/EEC⁵

¹ OJ L 373, 21.12.2004, p. 37.

² OJ L 204, 26.7.2006, p. 23.

³ OJ L 180, 19.7.2000, p. 22.

⁴ OJ L 303, 2.12.2000, p. 16.

⁵ OJ L 180, 15.7.2010, p. 1.

- 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 security⁶

⁶ OJ L 6, 10.1.1979, p. 24.