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Give further effect to rights and freedoms guaranteed under Schedule 1 to the Human Rights Act 1998, to protect and promote other rights arising out of the particular circumstances of Northern Ireland and founded on the principles of full respect for, and equality of, civil, political, economic, social, and cultural rights and of freedom from discrimination, and for connected purposes.

WHEREAS this Parliament:—

- (a) recognises that a just and equal society is best maintained by a stable and functioning democracy and the common observance of human rights;
- (b) acknowledges the dignity and worth of every person and the equal and inalienable rights of all;
- (c) reiterates an absolute commitment to exclusively peaceful means of resolving differences;
- (d) seeks to address the legacy of the past and the special needs of victims and survivors of the conflict;
- (e) wishes to enshrine the entitlement of all to the full range of human rights and fundamental freedoms, safeguarded by the rule of law;
- (f) strives to ensure that every child will grow up safe and secure;
- (g) values the role of women in public and political life and their involvement in advancing peace and security;
- (h) cherishes our common humanity and advocates freedom from fear and want;
- (i) seeks to protect our common heritage and natural environment for future generations;
- (j) accepts the commitment to mutual respect and the religious and civil rights of everyone;
- (k) welcomes the rich variety of languages, beliefs and traditions which is the cultural wealth of our society;
- (l) upholds the existing rights and protections of individuals and groups especially those that guarantee free and fair participation in economic, social and political life; and

- (m) is dedicated to the achievement of reconciliation and the vindication of the human rights of all.

**B**E IT THEREFORE ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Introduction*

## **1 The Convention Rights**

- (1) In the Northern Ireland Bill of Rights, “the Convention rights” means the rights and fundamental freedoms set out in—
  - (a) Articles 2 to 12 and 14 of the Convention;
  - (b) Articles 1 to 3 of the First Protocol;
  - (c) Articles 1 and 2 (1,4) of the Fourth Protocol; and
  - (d) Articles 1 and 2 of the Sixth Protocol,as read with Articles 16 to 18 of the Convention.
- (2) Those Articles have effect for the purposes of the Northern Ireland Bill of Rights subject to any derogation or reservation (as to which see sections 18 to 20).
- (3) The Articles are set out in Schedule 1.
- (4) The Secretary of State may, by order, make any amendments to the Northern Ireland Bill of Rights that the Secretary of State considers appropriate to reflect the effect, in relation to Northern Ireland, of a protocol.
- (5) In subsection (4) “protocol” means a protocol to the Convention—
  - (a) that the United Kingdom has ratified; or
  - (b) that the United Kingdom has signed with a view to ratification.
- (6) An amendment made by an order under subsection (4) cannot come into force before the protocol concerned is in force in relation to Northern Ireland.

## **2 The Supplementary Rights**

- (1) In the Northern Ireland Bill of Rights, “the Supplementary rights” means the rights set out in Schedule 2.
- (2) The Supplementary rights arise out of the particular circumstances of Northern Ireland and have effect for the purposes of the Northern Ireland Bill of Rights subject to any derogation (as to which see section 18).
- (3) A Supplementary Right may be subject under law only to such reasonable limitations as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including—
  - (a) the nature of the right;
  - (b) the importance and legitimacy of the purpose of the limitation;
  - (c) the nature and extent of the limitation;
  - (d) the relationship between the limitation and its purpose; and
  - (e) the availability of any less restrictive means to achieve the purpose that the limitation seeks to achieve.
- (4) To avoid doubt, subsection (3) does not apply to an obligation contained in Schedule

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2 that requires legislation to be enacted, or a public authority to take measures, in relation to a Supplementary Right.

- (5) However, the Secretary of State must report annually to the Parliament, and a member of the Northern Ireland Executive must report annually to the Northern Ireland Assembly, on the progress made during the previous year in respect of an obligation referred to in subsection (4).

### **3 Rights in the Northern Ireland Bill of Rights are in addition to other rights and freedoms**

A right or freedom not included in the Northern Ireland Bill of Rights that arises, or is recognised, under any other law (including international law and the common law) must not be taken to be abrogated or limited only because the right or freedom is not included in the Northern Ireland Bill of Rights or is only partly included.

### **4 Interpretation of Convention or Supplementary rights**

- (1) A court or tribunal determining a question that has arisen in connection with a Convention right or a Supplementary right—
- (a) must strive to achieve the purpose of the Northern Ireland Bill of Rights and give practical effect to the fundamental values that underpin it as set out in the preamble;
  - (b) must pay due regard to—
    - (i) any judgment, decision, declaration or advisory opinion of the European Court of Human Rights;
    - (ii) any opinion of the Commission given in a report adopted under Article 31 of the Convention;
    - (iii) any decision of the Commission in connection with Article 26 or 27(2) of the Convention;
    - (iv) any decision of the Committee of Ministers taken under Article 46 of the Convention, whenever made or given, so far as, in the opinion of the court or tribunal, it is relevant to the question that has arisen;
  - (c) must pay due regard to other provisions of international law relevant to the Convention right or the Supplementary right; and
  - (d) may consider judgments of foreign and international courts and tribunals relevant to the Convention right or the Supplementary right.
- (2) Evidence of any judgment, decision, declaration or opinion to which regard is required to be had by subsection (1) in proceedings before any court or tribunal is to be given in the manner (if any) provided by rules.
- (3) In this section “rules” means rules of court or, in the case of proceedings before a tribunal, rules made for the purposes of this section—
- (a) in relation to any proceedings, by the Lord Chancellor or the Secretary of State;
  - (b) in relation to proceedings before a tribunal that deals with transferred matters and for which no rules made under paragraph (a) are in force, by a Northern Ireland department.

*Legislation and Common Law*

### **5 Interpretation of legislation**

(1) So far as it is possible to do so, primary legislation and subordinate legislation must, in relation to Northern Ireland, be read and given effect in a way that is compatible with the Convention rights and the Supplementary rights.

(2) This section—

- (a) applies to primary legislation and subordinate legislation whenever enacted;
- (b) does not affect the validity, continuing operation or enforcement of any incompatible primary legislation; and
- (c) does not affect the validity, continuing operation or enforcement of any incompatible subordinate legislation if (disregarding any possibility of revocation) primary legislation prevents removal of the incompatibility.

(3) This section does not affect the operation of section 6(2)(ca) of the Northern Ireland Act 1998 which makes a provision of an Act passed by the Northern Ireland Assembly not law if it is incompatible with a Convention right or a Supplementary right.

## **6 Incompatible provisions of an Act of Parliament**

(1) Subsection (2) applies in any proceedings in which a court determines whether a provision of an Act of the Parliament, as that provision applies in relation to Northern Ireland, is compatible with a Convention right or a Supplementary right.

(2) If the court is satisfied that the provision, as it applies in relation to Northern Ireland, is incompatible with a Convention right or a Supplementary right, it may make a declaration of that incompatibility.

(3) If a declaration of incompatibility is made under subsection (2) in respect of a provision of an Act of the Parliament, the Secretary of State may lay before Parliament the draft of an Order in Council that amends the provision to remove the incompatibility.

(4) If the draft Order is approved by resolution of each House of Parliament, the Secretary of State must submit it to Her Majesty in Council and Her Majesty in Council may make the Order.

(5) A declaration of incompatibility under subsection (2)—

- (a) does not affect the validity, continuing operation or enforcement of the provision in respect of which it is given; and
- (b) is not binding on the parties to the proceedings in which it is made.

## **7 Incompatible subordinate legislation**

(1) Subsection (2) applies in any proceedings in which a court determines whether a provision of subordinate legislation, made in the exercise of a power conferred by an Act of the Parliament, as that provision applies in relation to Northern Ireland, is compatible with a Convention right or a Supplementary right.

(2) If the court is satisfied that the provision is incompatible with a Convention right or a Supplementary right, it may declare that the provision does not apply in relation to Northern Ireland.

(3) Subsection (4) applies in any proceedings in which a court determines whether a provision of subordinate legislation, made in the exercise of a power conferred by primary legislation other than an Act of the Parliament, as that provision applies in relation to Northern Ireland, is compatible with a Convention right or a Supplementary right.

(4) If the court is satisfied that the provision is incompatible with a Convention right or a

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Supplementary right and that (disregarding any possibility of revocation) the primary legislation concerned prevents removal of the incompatibility, it may make a declaration of that incompatibility.

- (5) A declaration of incompatibility under subsection (4)—
- (a) does not affect the validity, continuing operation or enforcement of the provision in respect of which it is given; and
  - (b) is not binding on the parties to the proceedings in which it is made.
- (6) This section does not affect the invalidity of a provision of subordinate legislation purportedly made in the exercise of a power conferred by an Act of the Northern Ireland Assembly that is not law by force of section 6(2)(ca) of the Northern Ireland Act 1998.

## **8 Right of Crown to intervene**

- (1) The Crown is entitled to notice in accordance with rules of court if, in any proceedings, a court is considering whether to make a declaration of incompatibility under section 6(2) or 7(4) or a declaration under section 7(2) that a provision does not apply in relation to Northern Ireland.
- (2) Any of the following is entitled, on giving notice in accordance with rules of court, to be joined as a party to any proceedings referred to in subsection (1)—
- (a) a Minister of the Crown (or a person nominated by the Minister);
  - (b) a Northern Ireland Minister;
  - (c) a Northern Ireland department.
- (3) Notice under subsection (2) may be given at any time during the proceedings.
- (4) Anyone who is a party to criminal proceedings as the result of a notice under subsection (2) may, with leave, appeal to the Supreme Court against any declaration of a kind referred to in subsection (1) made in the proceedings.
- (5) In subsection (4)—
- “criminal proceedings” includes all proceedings before the Courts-Martial Appeal Court; and
- “leave” means leave granted by the court making the declaration or by the Supreme Court.

## **9 Common law**

So far as it is possible to do so, courts and tribunals, in applying and developing the common law, must do so in a way that is compatible with the Convention rights and the Supplementary rights.

### *Public authorities*

## **10 Conduct of public authorities**

- (1) Every public authority must take active steps to respect, protect, promote and fulfil the Convention rights and the Supplementary rights.
- (2) It is unlawful for a public authority to act in a way that is incompatible with a Convention right or a Supplementary right or, in making a decision, to fail to give proper consideration to a relevant Convention right or Supplementary right.
- (3) Subsection (2) does not apply to an act or decision if—

- (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or
  
  - (b) in the case of one or more provisions of or made under primary legislation that cannot be read or given effect in a way that is compatible with a Convention right or a Supplementary right, the authority was acting so as to give effect to, or enforce, those provisions.
- (4) In this section “public authority” includes—
- (a) a court or tribunal; and
  - (b) any person or body that has functions of a public nature in relation to Northern Ireland,
- but does not include either House of Parliament or the Northern Ireland Assembly or a person exercising functions in connection with proceedings in Parliament or the Northern Ireland Assembly.
- (5) In determining if a function is of a public nature, the factors that may be taken into account include—
- (a) the extent to which a branch of government (whether executive, legislative or judicial and whether local, regional or national) has assumed responsibility for the function;
  - (b) the role and responsibility of a branch of government referred to in paragraph (a) in relation to the subject-matter to which the function relates;
  - (c) the nature and extent of the public interest in the function;
  - (d) the nature and extent of any statutory power or duty in relation to the function;
  - (e) the extent to which a branch of government referred to in paragraph (a) regulates, supervises or inspects the performance of the function;
  - (f) the extent to which a branch of government referred to in paragraph (a) funds the performance of the function;
  - (g) whether the performance of the function involves, or may involve, the use of statutory coercive powers;
  - (h) the extent of the risk that improper performance of the function might be in contravention of a Convention right or a Supplementary right.
- (6) In relation to a particular act or decision, a person or body is not a public authority by virtue only of subsection (4)(b) if the nature of the act or decision is private.
- (7) To avoid doubt, the fact that a function is performed by a person or body under contract does not prevent the person or body being treated as a public authority in relation to the performance of the function.
- (8) A person or body that is a public authority by virtue of its performance of a function must only be treated as a public authority in respect of acts done, or decisions made, in relation to that function.
- (9) In this section “an act” includes a failure to act but does not include a failure to—
- (a) introduce in, or lay before, Parliament or the Northern Ireland Assembly a proposal for legislation; or
  - (b) make any primary legislation or remedial order.

## 11 Proceedings

- (1) A person or body that, with sufficient interest in the matter, claims that a public authority has acted (or proposes to act) in a way that is made unlawful by section 10(2) may—
  - (a) bring proceedings against the authority under the Northern Ireland Bill of Rights in the appropriate court or tribunal; or
  - (b) rely on the Convention or Supplementary right or rights concerned in any legal proceedings.
- (2) In determining whether a person or body has sufficient interest in the matter, the court or tribunal must have regard to the need to ensure access to justice.
- (3) Subject to any rule imposing a stricter time limit in relation to the procedure in question, proceedings under subsection (1)(a) must be brought before the end of—
  - (a) the period of one year beginning with the date on which the act or decision complained of took place or was made; or
  - (b) any longer period that the court or tribunal considers equitable having regard to all the circumstances.
- (4) In subsection (1)(a)—
  - (a) “appropriate court or tribunal” means any court or tribunal that may be determined in accordance with rules; and
  - (b) proceedings against an authority include a counterclaim or similar proceeding.
- (5) In subsection (1)(b) “legal proceedings” includes—
  - (a) proceedings brought by, or at the instigation of, a public authority; and
  - (b) an appeal against the decision of a court or tribunal.
- (6) Nothing in the Northern Ireland Bill of Rights creates a criminal offence.
- (7) In this section “rules” means—
  - (a) in relation to proceedings before a court or a tribunal, rules made by the Lord Chancellor or the Secretary of State for the purposes of this section or rules of court;
  - (b) in relation to proceedings before a tribunal in Northern Ireland that deals with transferred matters and for which no rules made under paragraph (a) are in force, rules made by a Northern Ireland department for those purposes, and includes provision made by order under section 1 of the Courts and Legal Services Act 1990.
- (8) In making rules, regard must be had to section 13.
- (9) The Minister who has power to make rules in relation to a particular tribunal may, to the extent the Minister considers it necessary to ensure that the tribunal can provide an appropriate remedy in relation to an act or decision (or proposed act or decision) of a public authority that is (or would be) unlawful as a result of section 10(2), by order add to—
  - (a) the relief or remedies that the tribunal may grant; or
  - (b) the grounds on which it may grant any of them.
- (10) An order made under subsection (9) may contain any incidental, supplemental, consequential or transitional provision that the Minister making it considers appropriate.
- (11) In subsection (10), “Minister” includes the Northern Ireland department concerned.

## 12 Judicial remedies

- (1) In relation to any act or decision (or proposed act or decision) of a public authority that the court finds is (or would be) unlawful, it may grant any relief or remedy, or make any order, within its powers that it considers just and appropriate.
- (2) But damages may be awarded only by a court that has power to award damages, or to order the payment of compensation, in civil proceedings.
- (3) An award of damages must not be made unless, taking account of all the circumstances of the case, including—
  - (a) any other relief or remedy granted, or order made, in relation to the act or decision in question (by that or any other court); and
  - (b) the consequences of any decision (of that or any other court) in respect of that act or decision,the court is satisfied that the award is necessary to afford just satisfaction to the person in whose favour it is made.
- (4) In determining—
  - (a) whether to award damages, or
  - (b) the amount of an award,the court must take into account the principles applied by the European Court of Human Rights in relation to the award of compensation under Article 41 of the Convention.
- (5) A public authority against which damages are awarded is to be treated for the purposes of the Civil Liability (Contribution) Act 1978 as liable in respect of damage suffered by the person to whom the award is made.
- (6) In this section—

“court” includes a tribunal;  
“damages” means damages for an unlawful act or decision of a public authority; and  
“unlawful” means unlawful under section 10(2).

## 13 Judicial acts

- (1) Proceedings under section 11(1)(a) in respect of a judicial act may be brought only—
  - (a) by exercising a right of appeal;
  - (b) on an application for judicial review; or
  - (c) in any other forum that may be prescribed by rules.
- (2) This section does not affect any rule of law that prevents a court from being the subject of judicial review.
- (3) In proceedings under the Northern Ireland Bill of Rights in respect of a judicial act done in good faith, damages may not be awarded otherwise than to compensate a person to the extent required by Article 5(5) of the Convention.
- (4) An award of damages permitted by subsection (3) is to be made against the Crown, but an award must not be made unless the appropriate person, if not a party to the proceedings, is joined.
- (5) In this section—

“appropriate person” means the Minister responsible for the court concerned, or a person or government department nominated by that Minister;  
“court” includes a tribunal;

“judge” includes a member of a tribunal, a justice of the peace and a clerk or other officer entitled to exercise the jurisdiction of a court;

“judicial act” means a judicial act of a court and includes an act done on the instructions, or on behalf, of a judge; and

“rules” has the same meaning as in section 11(7).

### *Remedial action*

## **14 Power to take remedial action**

- (1) This section applies if—
- (a) a provision of legislation is declared under section 6(2) or 7(4) to be incompatible with a Convention right or a Supplementary right and, if an appeal lies—
    - (i) all persons who may appeal have stated in writing that they do not intend to do so;
    - (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
    - (iii) an appeal brought within that time has been determined or abandoned; or
  - (b) it appears to a Minister of the Crown or Her Majesty in Council or a Northern Ireland Minister that, having regard to a finding of the European Court of Human Rights made after the coming into force of this section in proceedings against the United Kingdom, a provision of legislation is incompatible with an obligation of the United Kingdom arising from the Convention.
- (2) A Minister of the Crown or a Northern Ireland Minister, who considers that there are compelling reasons for proceeding under this section, may by order make any amendments to the legislation that the Minister considers necessary to remove the incompatibility.
- (3) If, in the case of subordinate legislation, a Minister of the Crown or a Northern Ireland Minister considers—
- (a) that it is necessary to amend the primary legislation under which the subordinate legislation in question was made, in order to enable the incompatibility to be removed; and
  - (b) that there are compelling reasons for proceeding under this section, the Minister may, by order, make any amendments to the primary legislation that the Minister considers necessary.
- (4) This section also applies where the provision in question is in subordinate legislation and has been quashed, or declared invalid, by reason of incompatibility with a Convention right or a Supplementary right and the Minister proposes to proceed under paragraph 2(b) of Schedule 3.
- (5) If the legislation is an Order in Council, the power conferred by subsection (2) or (3) is exercisable by Her Majesty in Council.
- (6) Schedule 3 makes further provision about remedial orders.

### *Other rights and proceedings*

## **15 Safeguard for existing human rights**

A person’s reliance on a Convention right or a Supplementary right does not restrict—

- (a) any other right or freedom conferred on the person by or under any law having effect in Northern Ireland; or

- (b) the person's right to make any claim or bring any proceedings that the person could make or bring apart from sections 11 to 13.

*Particular rights*

**16 Freedom of expression**

- (1) This section applies if a court is considering whether to grant any relief that, if granted, might affect the exercise of the Convention right to freedom of expression.
- (2) If the person against whom the application for relief is made ("the respondent") is neither present nor represented, no such relief is to be granted unless the court is satisfied—
  - (a) that the applicant has taken all practicable steps to notify the respondent; or
  - (b) that there are compelling reasons why the respondent should not be notified.
- (3) No such relief is to be granted so as to restrain publication before trial unless the court is satisfied that the applicant is likely to establish that publication should not be allowed.
- (4) The court must have particular regard to the importance of the Convention right to freedom of expression and, where the proceedings relate to material that the respondent claims, or that appears to the court, to be journalistic, literary or artistic material (or to conduct connected with such material), to—
  - (a) the extent to which—
    - (i) the material has, or is about to, become available to the public; or
    - (ii) it is, or would be, in the public interest for the material to be published;
  - (b) any relevant privacy code.
- (5) In this section—
  - "court" includes a tribunal; and
  - "relief" includes any remedy or order (other than in criminal proceedings).

**17 Freedom of thought, conscience and religion**

- (1) If a court's determination of any question arising under the Northern Ireland Bill of Rights might affect the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion, it must have particular regard to the importance of that right.
- (2) In this section "court" includes a tribunal.

*Derogations and reservations*

**18 Derogations**

- (1) This section sets out how, and the circumstances in which, there may be a derogation from a Convention right or a Supplementary right in relation to Northern Ireland.
- (2) A derogation from a Convention right or a Supplementary right only has effect if it is made by an Act of Parliament enacted after each House of Parliament has passed a resolution declaring that a public emergency threatening the life of the nation is in existence and affecting Northern Ireland.
- (3) A declaration under subsection (2) remains in force for the period (not exceeding 3 months) specified in it from the date on which it is made.

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- (4) A derogation made by an Act of Parliament—
- (a) must be no more extensive than is strictly required by the public emergency;
  - (b) must be consistent with the United Kingdom's obligations under international treaties and customary international law;
  - (c) must not extend to any right that is non-derogable under international law including, but not limited to, the rights specified in subsection (9); and
  - (d) only has effect while a declaration under subsection (2) is in force.
- (5) The Secretary of State must ensure that public notice of a derogation is given as soon as reasonably possible after it is made.
- (6) A derogation is of no effect if there is in force legislation that indemnifies a public authority or any person in respect of an unlawful act done in purported reliance on the derogation.
- (7) A person or body with sufficient interest in the matter may apply to Her Majesty's High Court of Justice in Northern Ireland to question the validity of—
- (a) a declaration under subsection (2); or
  - (b) a derogation made by an Act of Parliament or any action taken in relation to, or in reliance on, such a derogation.
- (8) On an application under subsection (7) the High Court may by order—
- (a) suspend the operation of the declaration, derogation or action until the final determination of the proceedings; and
  - (b) on the final determination of the proceedings quash the declaration, derogation or action if satisfied that it is appropriate to do so.
- (9) The following rights are specified for the purposes of subsection (4)(c)—
- (a) the right to life in Article 2 of the Convention;
  - (b) the prohibition on torture and inhuman or degrading treatment or punishment in Article 3 of the Convention;
  - (c) the right not to be held in slavery or servitude in Article 4 of the Convention;
  - (d) the right to challenge the legality of detention in Article 5(4) of the Convention insofar as it corresponds with Article 9(3) of the International Covenant on Civil and Political Rights;
  - (e) the right of everyone charged with a criminal offence to a fair trial contained in Article 6 of the Convention insofar as it corresponds with Article 14(2) and (3) of the International Covenant on Civil and Political Rights;
  - (f) the right to be free of punishment without law in Article 7 of the Convention;
  - (g) the right to freedom of thought, conscience and religion in Article 9 of the Convention insofar as it corresponds with Article 18 of the International Covenant on Civil and Political Rights;
  - (h) the supplementary rights set out in items 21 to 27 of Schedule 2 (prohibition of discrimination) insofar as they correspond with Articles 1 and 2 of the Convention on the Elimination of All Forms of Racial Discrimination, Articles 1 and 2 of the Convention on the Elimination of All Forms of Discrimination against Women, and Article 4 of the International Covenant on Civil and Political Rights;

- (i) the supplementary rights set out in items 37 and 39 of Schedule 2 (right to be free from violence and harassment) insofar as it corresponds with Article 4(a) of the Convention on the Elimination of All Forms of Racial Discrimination;
- (j) the supplementary rights set out in items 38 and 39 of Schedule 2 (right to be protected from sexual exploitation and sexual and other forms of trafficking) insofar as they correspond with Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women;
- (k) the supplementary right set out in item 55 of Schedule 2 (right to health) insofar as it corresponds with Article 12 of the International Covenant on Economic, Social and Cultural Rights;
- (l) the supplementary right set out in item 58 of Schedule 2 (right of women and girls to gender-sensitive and appropriate healthcare services and information) insofar as it corresponds with Article 12(2) of the Convention on the Elimination of All Forms of Discrimination against Women;
- (m) the supplementary right set out in item 59 of Schedule 2 (right to an adequate standard of living) insofar as it corresponds with Article 11(1) of the International Covenant on Economic, Social and Cultural Rights;
- (n) the supplementary rights set out in items 64 of Schedule 2 (right to work) and item 65 of that Schedule (right to just and favourable conditions of work) insofar as they correspond with Articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights;
- (o) the supplementary right set out in item 70 of Schedule 2 (social security rights) insofar as it corresponds with Article 9 of the International Covenant on Economic, Social and Cultural Rights;
- (p) the supplementary rights set out in items 71 to 77 of Schedule 2 (children's rights) insofar as they correspond with rights in the Convention on the Rights of the Child.

## 19 Reservations

- (1) In the Northern Ireland Bill of Rights “designated reservation” means—
  - (a) the United Kingdom’s reservation to Article 2 of the First Protocol to the Convention; and
  - (b) any other reservation by the United Kingdom to an Article of the Convention, or of any protocol to the Convention, that is designated for the purposes of the Northern Ireland Bill of Rights in an order made by the Secretary of State.
- (2) The text of the reservation referred to in subsection (1)(a) is set out in Part II of Schedule 3 to the Human Rights Act 1998.
- (3) If a designated reservation is withdrawn wholly or in part it ceases to be a designated reservation.
- (4) But subsection (3) does not prevent the Secretary of State from exercising the power under subsection (1)(b) to make a fresh designation order in respect of the Article concerned.
- (5) The Secretary of State must, by order, make any amendments to the Northern Ireland Bill of Rights that the Secretary of State considers appropriate to reflect—
  - (a) any designation order; or
  - (b) the effect of subsection (3).

## **20 Periodic review of designated reservations**

- (1) The appropriate Minister must review the designated reservation referred to in section 19(1)(a)—
  - (a) before the end of the period of five years beginning with the date on which section 1(2) came into force; and
  - (b) if that designation is still in force, before the end of the period of five years beginning with the date on which the last report relating to it was laid under subsection (3).
- (2) The appropriate Minister must review each of the other designated reservations (if any)—
  - (a) before the end of the period of five years beginning with the date on which the order designating the reservation first came into force; and
  - (b) if the designation is still in force, before the end of the period of five years beginning with the date on which the last report relating to it was laid under subsection (3).
- (3) The Minister conducting a review under this section must prepare a report on the result of the review and lay a copy of it before each House of Parliament.

### *Parliamentary procedure*

## **21 Statements of compatibility**

- (1) A member of Parliament who introduces a Bill into a House of Parliament that extends to Northern Ireland must make a statement of compatibility in respect of that Bill.
- (2) A member of the Northern Ireland Assembly who introduces a Bill into the Assembly must make a statement of compatibility in respect of that Bill.
- (3) A statement of compatibility must state—
  - (a) whether, in the member's opinion, the provisions of the Bill are compatible with the Convention rights and the Supplementary rights and, if so, how it is compatible; and
  - (b) if, in the member's opinion, any part of the Bill is incompatible with those rights, the nature and extent of the incompatibility and must further state that, despite the incompatibility, the member wishes the House or the Northern Ireland Assembly, as the case requires, to proceed with the Bill.
- (4) The statement must be in writing and be published in such manner as the member making it considers appropriate.

## **22 Amendment of the Northern Ireland Bill of Rights**

- (1) A Minister of the Crown must not introduce in, or lay before, either House of Parliament a proposal for legislation to amend the Northern Ireland Bill of Rights unless the Northern Ireland Assembly has passed, with cross-community support, a resolution praying that a proposal in, or substantially in, those terms should be introduced in, or laid before, Parliament.
- (2) In this section “cross-community support”, in relation to a resolution, has the same meaning as it has in the Northern Ireland Act 1998 in relation to a vote on any matter.

## **23 Committee on Human Rights**

- (1) Standing orders of the Northern Ireland Assembly must make provision for establishing a committee of members of the Assembly to be known as the Committee on Human Rights.
- (2) The role to be conferred on the Committee is—
  - (a) to consider matters relating to human rights in Northern Ireland;
  - (b) to scrutinise Bills introduced into the Northern Ireland Assembly for their compliance with the Northern Ireland Bill of Rights;
  - (c) to conduct consultations and publish reports on matters relating to human rights in Northern Ireland; and
  - (d) to provide guidance to Northern Ireland departments on the preparation of statements of compatibility.

### *Northern Ireland Act 1998*

## **24 Amendment of Northern Ireland Act 1998**

- (1) The Northern Ireland Act 1998 is amended as follows.
- (2) After section 6(2)(c) (legislative competence) insert—

“(ca) it is incompatible with any of the Conventions Rights or Supplementary Rights set out in the Northern Ireland Bill of Rights Act 2017;”.
- (3) After section 69(4) (the Commission’s functions) insert—

“(5) The Commission must monitor and audit the compliance by public authorities with the Northern Ireland Bill of Rights Act 2017.”.

### *Supplemental*

## **25 Review of the Northern Ireland Bill of Rights**

- (1) The Secretary of State must cause a review to be made of the operation of the Northern Ireland Bill of Rights by one or more independent persons, at least every 5 years, and must cause a report of the review to be laid before each House of Parliament as soon as practicable after it is submitted to the Secretary of State.
- (2) The Secretary of State must ensure that a copy of each report is laid before the Northern Ireland Assembly at the same time as, or as soon as practicable after, it is laid before a House of Parliament under subsection (1).

## **26 Orders etc. under the Northern Ireland Bill of Rights**

- (1) Any power of a Minister of the Crown to make an order under the Northern Ireland Bill of Rights is exercisable by statutory instrument.
- (2) The power of the Lord Chancellor or the Secretary of State to make rules (other than rules of court) under section 4(3) or 11(7) is exercisable by statutory instrument.
- (3) Any statutory instrument made under section 19 must be laid before Parliament.
- (4) No order may be made by the Lord Chancellor or the Secretary of State under section 1(4) or 11(7) unless a draft of the order has been laid before, and approved by, each House of Parliament.
- (5) Any statutory instrument to which subsection (2) applies, is subject to annulment in pursuance of a resolution of either House of Parliament.

- (6) The power of a Northern Ireland department to make—

- (a) rules under section 4(3)(b) or 11(7)(b); or
- (b) an order under section 11(9),

is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

- (7) Any rules made under section 4(3)(b) or 11(7)(b) are subject to negative resolution, and section 41(6) of the Interpretation Act (Northern Ireland) 1954 (meaning of “subject to negative resolution”) applies as if the power to make the rules were conferred by an Act of the Northern Ireland Assembly.
- (8) No order may be made by a Northern Ireland department under section 11(9) unless a draft of the order has been laid before, and approved by, the Northern Ireland Assembly.

## 27 Interpretation, etc

(1) In this Act—

“amend” includes repeal and apply (with or without modifications);

“child” means a person below the age of 18 years;

“the appropriate Minister” means the Minister of the Crown having charge of the appropriate authorised government department (within the meaning of the Crown Proceedings Act 1947);

“the Commission” means the European Commission of Human Rights;

“the Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom;

“declaration of incompatibility” means a declaration under section 6(2) or 7(4);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“Northern Ireland Minister” includes the First Minister and the deputy First Minister in Northern Ireland;

“primary legislation” means any—

- (a) public general Act;
- (b) local and personal Act;
- (c) private Act;
- (d) Act of the Parliament of Northern Ireland;
- (e) Measure of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973;
- (f) Act of the Northern Ireland Assembly;
- (g) Order in Council—
  - (i) made in exercise of Her Majesty’s Royal Prerogative;
  - (ii) made under section 38(1)(a) of the Northern Ireland Constitution Act 1973 or the corresponding provision of the Northern Ireland Act 1998; or
  - (iii) amending an instrument of a kind mentioned in paragraphs (a) to (f),

and includes an order or other instrument made under primary legislation to the extent to which it operates to bring one or more provisions of that legislation into force or amends any primary legislation;

“the Belfast Agreement” means the agreement reached at multi-party talks on Northern Ireland set out in Command Paper 3883;

“the First Protocol” means the protocol to the Convention agreed at Paris

on 20th March 1952;

“the Fourth Protocol” means the protocol to the Convention agreed at Strasbourg on 16th September 1963;

“the Sixth Protocol” means the protocol to the Convention agreed at Strasbourg on 28th April 1983;

“the Eleventh Protocol” means the protocol to the Convention (restructuring the control machinery established by the Convention) agreed at Strasbourg on 11th May 1994;

“remedial order” means an order under section 14;

“subordinate legislation” means any—

- (a) Order in Council other than one referred to in paragraph (g) of the definition of primary legislation;
- (b) order or other instrument made under primary legislation (except to the extent to which it operates to bring one or more provisions of that legislation into force or amends any primary legislation);
- (c) order or other instrument made under an Order in Council applying only to Northern Ireland;
- (d) order or other instrument made by a Northern Ireland Minister or a Northern Ireland department in exercise of prerogative or other executive functions of Her Majesty that are exercisable by the Northern Ireland Minister or Northern Ireland department on behalf of Her Majesty;

“transferred matters” has the same meaning as in the Northern Ireland Act 1998; and

“tribunal” means any tribunal in which legal proceedings may be brought.

- (2) The references in subparagraphs (ii) and (iii) of section 4(1)(b) to Articles are to Articles of the Convention as they had effect immediately before the coming into force of the Eleventh Protocol.
- (3) The reference in subparagraph (iv) of section 4(1)(b) to Article 46 includes a reference to Articles 32 and 54 of the Convention as they had effect immediately before the coming into force of the Eleventh Protocol.
- (4) The references in section 4(1)(b) to a report or decision of the Commission or a decision of the Committee of Ministers include references to a report or decision made as provided by paragraphs 3, 4 and 6 of Article 5 of the Eleventh Protocol (transitional provisions).

## **28 Short title, commencement, application and extent**

- (1) This Act may be cited as the Northern Ireland Bill of Rights Act 2017 and is in this Act referred to as the Northern Ireland Bill of Rights.
- (2) This Act comes into force on the day on which it is passed.
- (3) Paragraph (b) of subsection (1) of section 11 applies to proceedings brought by or at the instigation of a public authority whenever the act in question took place, but otherwise that subsection does not apply to an act taking place before the coming into force of that section.
- (4) This Act binds the Crown.
- (5) This Act extends only to Northern Ireland.



## SCHEDULES

### SCHEDULE 1

Section 1(3).

#### THE ARTICLES

#### PART I

#### 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

##### FREEDOM FROM TORTURE, INHUMAN OR DEGRADING TREATMENT

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.

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**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) 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.

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**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.

**PART II**

THE FIRST PROTOCOL

**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.

**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.

**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.

**PART III**

THE FOURTH PROTOCOL

**ARTICLE 1**

*PROHIBITION OF IMPRISONMENT FOR DEBT*

No one shall be deprived of his liberty merely on the ground of the inability to fulfil a contractual obligation.

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**ARTICLE 2 (1,4)**

*FREEDOM OF MOVEMENT*

- 1 Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- 4 The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

**PART IV**

THE SIXTH PROTOCOL

**ARTICLE 1**

*ABOLITION OF THE DEATH PENALTY*

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

**ARTICLE 2**

*DEATH PENALTY IN TIME OF WAR*

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war, such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law.

## THE SUPPLEMENTARY RIGHTS

*RIGHT TO LIFE*

- 1 Legislation must be enacted to ensure that all violations of the right to life arising out of the conflict in Northern Ireland are effectively investigated.
- 2 Any mechanism established to investigate such violations must comply fully with international human rights law.

*RIGHT TO LIBERTY AND SECURITY*

- 3 Everyone who is arrested or detained has the right to consult with a legal representative promptly and privately.
- 4 Everyone who is arrested or detained has the right to have prompt access to a medical practitioner where appropriate.
- 5 Everyone who is arrested or detained has the right to be visited by a family member under appropriate supervision.
- 6 Everyone who is arrested or detained has the right to have a legal representative present during any questioning and to have a sound and video recording made of that questioning.
- 7 Every child or vulnerable adult who is arrested or detained has the right to have a legal representative and an appropriate adult present during any questioning to represent their best interests.
- 8 Every child alleged to, accused of, or proven to have infringed the criminal law has the right to be treated in a manner:
- (a) that pays due regard to the child's age, understanding and needs; and
  - (b) is directed towards the child's reintegration into society.
- 9 Every child has the right not to be detained except as a measure of last resort and, if detained, to be detained only for the shortest appropriate period of time and, while detained, to be:
- (a) kept separately from detained persons over the age of 18 years; and
  - (b) treated in a manner, and kept in conditions, that pays due regard to the child's age.
- 10 A child in the criminal justice system has the right not be subjected to the use of force or methods of restraint unless that is absolutely necessary to avoid serious injury to the child or another person.
- 11 Public authorities must take all appropriate measures to reintegrate into society anyone released from detention or compulsory residential care of any kind by providing support towards independent living both before and after their release.

*NO PUNISHMENT WITHOUT LAW*

- 12 Everyone has the right to trial by jury for serious offences and the right to waive it.
- 13 Evidence obtained through torture or inhuman or degrading treatment must be excluded. Evidence obtained through a breach of any other right set out in the Northern Ireland Bill of Rights must also be excluded unless it is established that the admission of the evidence would not render the trial unfair or otherwise be detrimental to the administration of justice.
- 14 The procedures in relation to a child or a vulnerable adult accused of a criminal offence must pay due regard to:
- (a) the age of the child and the understanding of the child or vulnerable adult; and
  - (b) the desirability of promoting their reintegration into society.

15 Every person who is a witness in a criminal trial has the right, before and after giving evidence, to such protection and support as is appropriate to their needs as a witness.

16 Every person who is a juror in a criminal trial has the right to such protection and support as is necessary to allow them to carry out their role properly.

17 Every person who is a member of the judiciary or of the legal profession has the right to such protection as is necessary to allow them to perform their duties properly.

#### *RIGHT TO MARRY*

18 Everyone who is married has the right to end the marriage in accordance with the law governing the exercise of that right.

19 Everyone has the right to enter a civil partnership in accordance with the law governing the exercise of that right.

20 Each party to a civil partnership has the right to end the partnership in accordance with the law governing the exercise of that right.

#### *PROHIBITION OF DISCRIMINATION*

21 Everyone is equal before and under the law and has the right to equal protection and equal benefit of the law, including the full and equal enjoyment of all rights and freedoms.

22 A public authority must not unfairly discriminate against any person.

23 For this purpose a public authority unfairly discriminates against a person if, by any provision, criterion or practice, the public authority, on the basis of any of the following characteristics, treats the person, in any area of economic, social, political, cultural or civil life, less favourably than the public authority treats or would treat other persons who do not share that characteristic:

- (a) religion or belief;
- (b) political or other opinion;
- (c) race including membership of the Irish Traveller community;
- (d) colour or ethnicity;
- (e) birth, national or social origin or association with a national minority;
- (f) sex, sexual orientation, gender or gender reassignment;
- (g) pregnancy or maternity;
- (h) family or carer status;
- (i) age;
- (j) disability, health status, genetic or other predisposition toward illness;
- (k) language;
- (l) economic status or property;
- (m) identity;
- (n) irrelevant criminal record;
- (o) status of any other kind;
- (p) a combination of any of the characteristics mentioned in paragraphs (a) to (o).

24 Legislation must be enacted to prevent or prohibit unfair discrimination by public authorities.

25 Public authorities must take all appropriate and proportionate measures to eliminate unfair discrimination and, where circumstances so warrant, must in accordance with the law take all appropriate measures to assist or advance persons or groups of persons disadvantaged because of discrimination.

- 26 Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.
- 27 Public authorities must take all appropriate measures to promote the rights of older persons and those who are disabled to lead a life of independence, to enjoy social, cultural and occupational integration and to participate in the life of the community.

#### *DEMOCRATIC RIGHTS*

- 28 Everyone has the right, and is to have the opportunity, without discrimination or unreasonable restriction, to participate in the conduct of public affairs, directly or through freely chosen representatives.
- 29 Every eligible person has the right, and is to have the opportunity, without discrimination or unreasonable restriction, to vote and be elected at periodic elections held at regional or local level under a system of proportional representation that guarantees the free expression of the will of the electors through adopting universal and equal suffrage and being held by secret ballot.
- 30 Everyone has the right to have access, on general terms of equality, to the public service and public office.
- 31 Legislation must be enacted to provide for local government safeguards equivalent to those contained in the Belfast Agreement for inclusive, proportionate and equitable participation in regional government.
- 32 Public authorities must take effective measures to facilitate the full and equal participation of women in political and public life, including, where appropriate, the taking of temporary special measures to achieve that outcome.
- 33 The membership of public bodies must, as far as practicable, be representative of society in Northern Ireland.
- 34 There must be an independent electoral authority to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with laws that are compatible with the Northern Ireland Bill of Rights.

#### *EDUCATION RIGHTS*

- 35 Education must be directed towards promoting human rights, equality, dignity of the person and respect for diversity and tolerance.
- 36 Every child has the right to access the full education curriculum.

#### *FREEDOM FROM VIOLENCE, EXPLOITATION AND HARASSMENT*

- 37 Everyone has the right to be free from all forms of violence and harassment, from whatever source (whether public or private), including but not limited to:
- (a) domestic violence or harassment;
  - (b) sexual violence or harassment;
  - (c) gender-related violence or harassment;
  - (d) sectarian violence or harassment;
  - (e) violence or harassment motivated by hate on the basis of any characteristic mentioned in paragraph 23.
- 38 Everyone has the right to be protected from sexual exploitation and sexual and other forms of trafficking.
- 39 Public authorities must take all appropriate measures to ensure protection of the rights in items 37 and 38.

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*RIGHT TO IDENTITY AND CULTURE*

40 The people of Northern Ireland have the right to identify themselves, and be accepted, as Irish or British or both, as they choose, without discrimination and unaffected by any change in the status of Northern Ireland.

41 The people of Northern Ireland have the right, without discrimination and unaffected by any change in the status of Northern Ireland, to hold Irish or British citizenship or both, as they choose, in accordance with the law governing the exercise of that right.

42 Public authorities must fully respect, on the basis of equality of treatment, the identity and ethos of both main communities in Northern Ireland. A person relying on this provision must not do so in a manner that is inconsistent with the rights of others.

43 Everyone with a particular national, ethnic, religious, linguistic or cultural background has the right, in community with other persons of that background and whether in public or in private, to enjoy their culture, to declare and practice their religion and to use their language. A person exercising that right must not do so in a manner that is inconsistent with the rights of others.

44 Public authorities must encourage a spirit of tolerance and dialogue and must take effective measures to promote mutual respect, understanding and co-operation among all persons living in Northern Ireland, irrespective of race, ethnicity, language, religion or political opinion.

45 A person must not be required to take an oath, or to take an oath in a manner, that is contrary to their religion or belief or that requires them to express a belief that they do not have.

*LANGUAGE RIGHTS*

46 Everyone belonging to a linguistic minority has the right, where practicable, to learn or be educated in and through their own language.

47 Everyone has the right to access services essential to life, health or security through communication in a language (including sign language) and a medium that they understand assisted, if necessary, by an interpreter or other means.

48 Public authorities must, as a minimum, act compatibly with the obligations undertaken by the Government of the United Kingdom under the European Charter for Regional or Minority Languages in respect of the support and development of Irish and Ulster-Scots.

*RIGHTS OF VICTIMS*

49 Every victim of crime has the right to appropriate material, medical, psychological and social assistance.

50 Every victim of crime has the right to be informed about the progress of the investigation into the crime and relevant legal proceedings.

51 Legislation must be enacted to recognise all the victims of the Northern Ireland conflict and to ensure that their rights are protected, including their rights to access a redress scheme directed to such victims and to appropriate material, medical, psychological and social assistance.

*RIGHT TO CIVIL AND ADMINISTRATIVE JUSTICE*

52 Everyone has the right to access information held by public authorities in accordance with the law governing the exercise of that right.

53 Everyone has the right to administrative action that is lawful, procedurally fair, rational, proportionate and taken within a reasonable time.

- 54 Public authorities must give reasons for their decisions and, where practicable, provide appropriate mechanisms for internal review or appeal of those decisions.

*RIGHT TO HEALTH*

- 55 Everyone has the right to the highest obtainable standard of physical and mental health.
- 56 Everyone has the right to access emergency medical treatment and essential primary healthcare.
- 57 Everyone has the right to access, without charge at the point of issue and within a reasonable time, appropriate healthcare and social care services.
- 58 Every woman and girl has the right to access gender-sensitive and appropriate healthcare services and information.

*RIGHT TO AN ADEQUATE STANDARD OF LIVING*

- 59 Everyone has the right to a standard of living that is adequate for them and their dependents. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
- 60 A person must not be allowed to fall into destitution.

*RIGHT TO ACCOMMODATION*

- 61 Everyone has the right to accommodation that is adequate and appropriate to their needs.
- 62 A person must not be forced out of their home by threats or harassment or evicted without an order of a court.
- 63 Everyone has the right to appropriate emergency accommodation.

*RIGHT TO WORK*

- 64 Everyone has the right to work, including the right to have the opportunity to gain their living by work that they freely choose or accept. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
- 65 Everyone has the right to enjoy just and favourable conditions of work including:
- (a) remuneration that provides all workers, as a minimum, with:
    - i. fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
    - ii. a decent living for themselves and their families;
  - (b) safe and healthy working conditions;
  - (c) equal opportunity for everyone to be promoted in their employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
  - (d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

66 Every worker has the right to strike and the right to engage in collective bargaining in accordance with the law governing the exercise of those rights.

67 Everyone with caring responsibilities has the right to appropriate respite from those responsibilities. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.

#### *ENVIRONMENTAL RIGHTS*

68 Everyone has the right to have the environment protected so that the health and well-being of present and future generations are fostered consistent with the promotion of justifiable economic and social development.

69 Public authorities must take all appropriate measures, including legislative measures, to:

- (a) limit pollution and ecological degradation;
- (b) promote conservation and biodiversity; and
- (c) secure the sustainable development and use of natural resources.

#### *SOCIAL SECURITY RIGHTS*

70 Everyone has the right to social security, including social assistance, social insurance and pension. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.

#### *CHILDREN'S RIGHTS*

71 Public authorities must respect, and ensure that every child enjoys without discrimination (whether directed to the child or their parent or legal guardian or other person who has care of them), the rights set out for children in the Northern Ireland Bill of Rights.

72 Public authorities must ensure that, in all actions concerning a child, whether undertaken by public authorities or private institutions, the best interests of the child is the primary consideration. In adoption proceedings, or any other proceedings concerning the placement of a child, the best interests of the child must be the paramount consideration.

73 Public authorities must take all appropriate measures to ensure the right of every child to engage in play and recreational activities that are safe and appropriate to the age of the child.

74 Every child who is temporarily or permanently deprived of their family environment has the right to special protection and assistance for so long as they need it.

75 Public authorities must take all appropriate measures, including legislative, administrative, social and educational measures, to protect every child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while they are in the care of a parent, legal guardian or any other person.

76 Public authorities must take all appropriate measures to ensure the right of every child to be informed of their rights and, in all matters affecting them, to have their views respected and considered paying due regard to the child's age, understanding and capacity.

77 Public authorities must take all appropriate measures to ensure the right of every child to be protected from direct involvement in any capacity (including their use as intelligence sources) in armed conflicts or civil hostilities.

SCHEDULE 3

Section 14(6).

REMEDIAL ORDERS

*Orders*

- 1 (1) A remedial order may—
- (a) contain any incidental, supplemental, consequential or transitional provision that the person making it considers appropriate;
  - (b) be made so as to have effect from a date earlier than that on which it is made;
  - (c) make provision for the delegation of specific functions;
  - (d) make different provision for different cases.
- (2) The power conferred by sub-paragraph (1)(a) includes—
- (a) power to amend primary legislation (including primary legislation other than that which contains the incompatible provision); and
  - (b) power to amend or revoke subordinate legislation (including subordinate legislation other than that which contains the incompatible provision).
- (3) A remedial order may be made so as to have the same extent as the legislation which it affects.
- (4) No person is to be guilty of an offence solely as a result of the retrospective effect of a remedial order.

*Procedure*

- 2 No remedial order may be made unless—
- (a) a draft of the order has been approved by a resolution of each House of Parliament made after the end of the period of 60 days beginning with the day on which the draft was laid; or
  - (b) it is declared in the order that it appears to the person making it that, because of the urgency of the matter, it is necessary to make the order without a draft being so approved.

*Orders laid in draft*

- 3 (1) No draft may be laid under paragraph 2(a) unless—
- (a) the person proposing to make the order has laid before Parliament a document that contains a draft of the proposed order and the required information; and
  - (b) the period of 60 days, beginning with the day on which the document required by this sub-paragraph was laid, has ended.
- (2) If representations have been made during that period, the draft laid under paragraph 2(a) must be accompanied by a statement containing—
- (a) a summary of the representations; and
  - (b) if, as a result of the representations, the proposed order has been changed, details of the changes.

*Urgent cases*

- 4 (1) If a remedial order (“the original order”) is made without being approved in draft, the person making it must lay it before Parliament accompanied by the required information, after it is made.
- (2) If representations have been made during the period of 60 days beginning with the day on which the original order was made, the person making it must (after the end of that period) lay before Parliament a statement containing—

- (a) a summary of the representations; and
  - (b) if, as a result of the representations, the person considers it appropriate to make changes to the original order, details of the changes.
- (3) If sub-paragraph (2)(b) applies, the person making the statement must—
- (a) make a further remedial order replacing the original order; and
  - (b) lay the replacement order before Parliament.
- (4) If, at the end of the period of 120 days beginning with the day on which the original order was made, a resolution has not been passed by each House approving the original or replacement order, the order ceases to have effect (but without that affecting anything previously done under either order or the power to make a fresh remedial order).

### *Definitions*

- 5 In this Schedule—
- “representations” means representations about a remedial order (or proposed remedial order) made to the person making (or proposing to make) it and includes any relevant Parliamentary report or resolution; and
- “required information” means—
- (a) an explanation of the incompatibility that the order (or proposed order) seeks to remove, including particulars of the relevant declaration, finding or order; and
  - (b) a statement of the reasons for proceeding under section 14 and for making an order in those terms.

### *Calculating periods*

- 6 In calculating any period for the purposes of this Schedule, no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued; or
  - (b) both Houses are adjourned for more than four days.

### *Northern Ireland*

- 7 (1) This paragraph applies in relation to—
- (a) any remedial order made, and any draft of such an order proposed to be made, by a Northern Ireland Minister; and
  - (b) any document or statement to be laid in connection with such an order (or proposed order).
- (2) This Schedule has effect in relation to any such order (or proposed order), document or statement subject to the following modifications.
- (3) Any reference to Parliament, each House of Parliament or both Houses of Parliament shall be construed as a reference to the Northern Ireland Assembly.
- (4) Paragraph 6 does not apply and instead, in calculating any period for the purposes of this Schedule, no account is to be taken of any time during which the Northern Ireland Assembly is dissolved or is in recess for more than four days.