

‘PRISONERS, DEATHS IN CUSTODY AND THE HUMAN RIGHTS ACT’
A briefing by Prisoners’ Advice Service and INQUEST
Sunday 7th October 2000

Prisoners’ Advice Service and INQUEST, two leading organisations concerned with prisoners’ rights and deaths in custody have published a comprehensive briefing on the Human Rights Act that came into force on the 2 October 2000. The briefing was funded by Joseph Rowntree Charitable Trust and provides a detailed guide to each Article of the Human Rights Act and the implications for prisoners’ rights and the examination of deaths in custody.

The briefing is primarily aimed at non-lawyers and in particular prisoners and other non-governmental organisations. Whilst there has been a wealth of information provided for lawyers, the people whose rights are actually affected are not being provided with adequate and accessible information.

Hamish Arnott, solicitor at the Prisoners’ Advice Service said:

“Although the Act will not force a root and branch change to the Prison Service’s policies it will give prisoners an invaluable extra tool when challenging dehumanising conditions and unfair procedures in the courts. However in the closed world of prisons the Act is unlikely in itself to create the ‘culture’ of rights the Government claims it wants to promote. This is especially so in light of the Prison Service’s view that its policies are already compliant with the European Convention. This means that it will be down to prisoners themselves to use the Act to bring about any improvement in conditions”.

Deborah Coles co-director of INQUEST said:

“Where members of the public die or make serious allegations about ill treatment in custody the reaction of the authorities raises very serious questions about the protection of human rights. The anachronistic world of the coroners’ court will have to ensure its practice complies with the Human Rights Act and that issues of concern about treatment in prison and deaths in custody are fully explored and subject to proper scrutiny.”

Simon Creighton, solicitor; partner at Bhatt Murphy solicitors said:

"It is disappointing that the Prison Service have not grasped the opportunity presented by the Act to review their practices and policies to ensure compliance with international human rights norms. It does nothing to promote the culture of respect for human rights if all advances have to be forced through legal action."

The authors of the report are:

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