

**Terms of Reference for the
Equality and Human Rights Commission inquiry
into non-natural deaths¹ in detention of
adults with mental health conditions.**

The Equality and Human Rights Commission will examine the available evidence about non-natural deaths in detention of adults with mental health conditions² in prisons, police custody and hospitals between 2010 and 2013. The Commission will focus on existing evidence and may contact relevant organisations to increase its understanding.

The Commission will analyse the evidence to establish the extent to which there has been compliance with Article 2, and Article 2 together with Article 14, of the European Convention on Human Rights.

The Commission will develop understanding about how organisations have implemented recommendations from previous inquiries and reports into non-natural deaths in detention.

The Commission will engage with individuals from the key organisations in the three settings to determine their perspectives on the protection of detained adults with mental health conditions.

The Commission's aim is to understand how compliance with the Human Rights Act can reduce or eliminate the risk of further non-natural deaths and make appropriate recommendations.

The inquiry will focus its evidence gathering in England and Wales. A separate evidence gathering exercise in Scotland, aligned to the Scottish National Action Plan for Human Rights, will allow us to gather comparable data across Great Britain.

¹ For the purpose of this inquiry the Commission defines non-natural deaths as deaths which fall into one of the following categories: self-inflicted/suicide, deaths caused by another person including homicide, other non-natural deaths including overdose and accidental deaths and deaths the cause of which is unknown.

² For the purpose of this inquiry the Commission will define a mental health condition as any disorder or disability of the mind. This definition is identical to the definition of a "mental disorder" in section 1 of the Mental Health Act 2007.

Additional Information

Section 16 of the Equality Act 2006 gives the Commission the power to conduct an inquiry into a matter that relates to any of its statutory equality and diversity and human rights duties. Those duties include the encouragement of good practice in relation to human rights and the promotion of awareness, understanding and protection of those rights.

In conducting this inquiry the Commission will:

1. Collate and analyse available evidence about the deaths in detention of adults with mental health conditions in three different settings: prisons, police custody and hospitals from January 2010 to December 2013 to establish the extent of compliance with Article 2 of the European Convention on Human Rights.
2. Assess the available data on the protected characteristics (age, sex, gender reassignment, race, disability, religion or belief and sexual orientation) of adults with mental health conditions who have died in detention and identify any differential outcomes between groups to establish the extent of compliance with Article 2 together with Article 14.
3. Identify any significant gaps in the evidence about deaths in detention of adults with mental health conditions.
4. Identify commonalities and differences in practices within and between the three settings, and the opportunities for cross-sector and cross-geography learning.
5. Examine the extent to which records are kept about incidents of serious harm in the three settings and how this information is used to reduce the risk of future deaths.

Articles 2 and 14 of the European Convention on Human Rights and the Human Rights Act

The Convention was made part of our domestic law by the Human Rights Act 1998. Article 2 obliges the state to protect by law everyone's right to life. This obligation includes a positive duty on the state to ensure preventative measures are taken to protect life in certain circumstances and to carry out a proper investigation into deaths for which the state might be responsible. Article 14 provides that there should be no discrimination in the enjoyment of Convention rights.