

Human rights framework for adult death inquiry

Section A of this framework can be used as a checklist by those holding adults in detention in a range of settings. A failure to ensure that the following rights are in place may indicate a breach of Article 2 of the European Convention on Human Rights incorporated into domestic law by the Human Rights Act. This list is based on case law.

Overarching both sections of the framework is the obligation under Article 14 of the Convention to ensure that there is no discrimination in the enjoyment of Article 2 rights.

A. Obligation to protect

An obligation to protect life by ensuring the provision of a safe and respectful environment. In particular, by ensuring:

1. A right to freedom from physical abuse by staff or other detainees
2. A right to freedom from bullying, threats and disrespectful treatment by staff and other detainees
3. A right to freedom from neglect by staff or external professionals
4. A right to freedom from unlawful use of physical restraint
5. A right to an effective risk assessment by a qualified practitioner either before or as soon as reasonably practicable after initial detention
6. A right to a review of that risk assessment at regular intervals thereafter
7. A right to the dissemination of that risk assessment to all relevant agencies within the setting
8. A right to access to appropriate medical and mental health care support
9. A right to access to appropriate social support
10. A right to information and advice on how to access this support
11. A right to treatment for and protection from drug and alcohol abuse
12. A right to proportionate individualised protection where the detainer knows or should know there is a real and immediate risk to life.

B. Obligation to investigate

Section B of this framework can be used as a checklist by those investigating non-natural deaths of adults in detention in a range of settings. This list is also based on case law.

A duty to carry out an effective investigation

1. By initiating that investigation itself
2. By making sure it is done promptly and as quickly as is reasonable
3. By taking all reasonable steps to secure the relevant evidence relating to the death
4. By taking all reasonable steps to uncover any discriminatory motive behind the death
5. By making sure it is carried out by someone who is independent of those implicated in the events
6. By making sure the investigation and its results are open to public scrutiny
7. By involving the next of kin to ensure their interests are protected
8. By holding to account anyone found to be at fault as a result of the investigation
9. By putting into practice lessons learned from the result of the investigation to ensure, so far as possible, that the risk of similar deaths in the future is minimised.