A HUMAN RIGHTS COMMISSION FOR THE UNITED KINGDOM?
- EVIDENCE TO THE JOINT COMMITTEE ON HUMAN RIGHTS

Feb 2002

Liberty (The National Council for Civil Liberties) is one of the UK’s leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research. It is the largest organisation of its kind in Europe and is democratically run.
Executive Summary

(1) Liberty believes that the justification for setting up a Commission for England and Wales is very clear and the need for a Commission is now urgent.

(2) The Commission should have the following functions:

· foster a culture of rights and to promote public awareness and acceptance of human rights principles and standards.
· assist Government, public and private bodies to comply with human rights standards and to promote best practice.
· undertake formal inquiries into public authorities which may be failing in their duty to uphold human rights.
· enforce human rights standards strategically by initiating legal proceedings, seeking to intervene in court proceedings taken by others and to provide support for test cases.
· assist Parliament and the Human Rights Committee to scrutinise legislation and policy to protect human rights.
· help individuals to find appropriate sources of help when their rights have been infringed and to encourage the public sector, the advice sector, lawyers and others to provide that help.
· provide expert advice to those helping those individuals whose rights have been infringed.
· contribute internationally to the development of better standards of human rights protection.

(3) There should be separate Commissions in Northern Ireland, Scotland and England and Wales but all the Commissions should have a duty on them to co-operate together on UK wide and international matters.

(4) The Commissions should work closely with the equality commissions (the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission) but should not take over their roles. In the longer term an overall Equalities Commission should be created but in the meantime other issues of discrimination not within the remit of the current equality commissions should be dealt with by the human rights Commissions.

(5) It is crucial that the Commissions are independent of government and made up of experts and those with knowledge of or experience of human rights violations.

(6) The Commissions should be accountable to Parliament through the Human Rights Committee and should work closely with that Committee and its staff.

(7) The Commission would need to be adequately funded to ensure it can carry out its functions properly.
Introduction

Liberty (formerly The National Council for Civil Liberties) is one of the UK’s leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research. It is the largest organisation of its kind in Europe and is democratically controlled by its members.

Liberty believes that the justification for the establishment of a Human Rights Commission (or Commissions) is clear and compelling and we would urge the Committee to consider that justification carefully. Liberty’s work provides real evidence that there are some significant problems with human rights in the United Kingdom. Thousands of people contact Liberty by telephone, letter and email each year seeking help and advice following violations by public bodies with their rights. The numbers in contact with Liberty since the implementation of the Human Rights Act has gone up rather than down. We enclose a copy of recent material which we have just sent to the United Nations Human Rights Committee which give selected examples of the problems which we are concerned about.

We have been very impressed by the detailed thought that has gone into the questions set out for this consultation exercise and this has demonstrated to us the Committee’s wish to grapple with some of the more difficult and detailed points that may arise. However, although these questions will need to be addressed before a Commission or Commissions can be established, the final decisions on these arrangements are less important than making sure that the needs we have identified below are met as quickly as possible. It is likely that different witnesses will have different approaches to the detailed questions and we would urge the Committee not to allow such differences to become an obstacle for not pressing ahead with a primary recommendation to establish a Commission. Although we believe that our answers to the following questions are the basis for the most effective use of resources we would be content with other approaches to the questions posed by the Committee.

1. What do you think a Human Rights Commission might add to the current methods of protecting human rights in the United Kingdom? In particular are there useful functions in connection with protecting human rights and developing a culture of human rights which do not fall within the remit of any existing agency in the United Kingdom, such as:

(a) Fostering a human rights culture in the United Kingdom;

Fostering a culture of rights is a crucial function for the Commission. Human rights are all too often regarded as “villain’s charter” or of concern only to those who “have something to fear”. The concept of universal rights has not developed as far in this country as it has in others, notably, of course, the United States. Liberty believes that the concept of human rights and the Human Rights Act itself may be marginalised and restricted to lawyers if such a culture is not developed quickly. Although it is optimistic, Liberty believes that a culture of rights might be able ensure not merely an understanding of one’s own rights but an understanding that others have rights too. We would also hope that a culture of respect for human rights is likely to lead to fewer violations of the Convention. Resources to promote such a culture are urgently needed.
Although Non-Governmental Organisations (NGOs) like Liberty will need to continue to play a vital role in fostering human rights and have a unique relationship with grass root organisations and individuals who may be potential victims of violations, there are many aspects of this work which a statutory body could more effectively discharge. Whilst many NGOs do have experience and expertise in a specialist fields, many NGOs are limited in their scope and potential by resources. For instance, NGOs like Liberty have increasingly used their expertise and experience to train other organisations, and this has been invaluable following the incorporation of the Act, however this itself has been limited both by financial constraints and the special needs of some public bodies.

This work has demonstrated a need for education and ongoing training which provides both uniformity and addresses the specific needs of the recipients. NGOs are also quite frequently put in the position of having to respond to issues of the day rather than being afforded the adequate opportunity to instigate or bring about awareness of potential human rights issues. A cohesive independent body would better placed to promote human rights more generally.

Unfortunately so far the government has failed to do enough to foster a human rights culture itself. The major stumbling block has been the ambivalence of the government at the highest levels towards the Human Rights Act. As a result the Government did little to go out and sell the virtues of the Act even though they had from October 1997 to October 2000 to do so. It is not surprising that the Act has not created the beginnings of a culture of rights when there is ambivalence to its principles within Government. This problem has been illustrated by the fact that the approach to the Act by the Government has all too often been a defensive one and, not surprisingly and partly as a result, the Act has been attacked in the press. In addition, and as a consequence therefore, the approach of some civil servants has been a grudging commitment to follow the law but to go little further. This is unfortunate because in many cases, at least at the early stages, there was a willingness amongst civil servants to embrace the principles and use the Act to improve services. This enthusiasm could have been used to better affect if the politicians themselves had been more committed. A Commission could assist civil servants and others in public bodies to understand human rights and work with them to ensure that rights are respected in practice.

It cannot be right in principle for the Act’s primary promoters to be in government. This is not a criticism of the staff of the Home Office’s Human Rights Unit but more the recognition of a structural problem. The implementation of the Act created probably more restrictions on the development of Home Office policy than of any other department. We are aware that ministers in that department have expressed frustration that their policies had to be altered or dropped in order to comply with the Act. It is difficult to believe that this frustration did not tarnish their commitment to some of the principles contained in the Convention and the Act.

The resources allocated by the Government for advertising and promoting the Human Rights Act were insufficient. The absence of a Commission to promote the Act combined with the Government’s defensive and ambivalent attitude has meant that the principles of human rights have not been communicated successfully to the public at large. Our belief is that many people still either see the Act as a "villains' charter" or have unrealistic expectations of what affect it will have on their lives.

The Act has been criticised for encouraging a litigation culture and lawyers have been taken to task for dominating the debate on the Act (and of course for also having a pecuniary interest). However, the absence of any significant interest in the Act from the government or all but a few Parliamentarians has been most noticeable. The special balance in the Act designed to protect Parliamentary sovereignty is only justified in our view if government and Parliament are prepared to make its contribution to protecting and promoting human rights.
As a result of these failings, NGOs have tried to fill the gap, but they have not had the resources to do this properly. This role provides a key priority for a new Commission.

We also hope that now the Committee has been established it too can contribute to this process, particularly amongst Parliamentarians.

(b) education in human rights;

The most sensible way of ensuring that people understand the principles of human rights is to provide education. No other body has responsibility for this work. Liberty has run or been involved in hundreds of training sessions on human rights over the last few years but was never able to provide enough staff for all of those who sought our assistance. More recently Liberty has had to scale down this aspect of its work in order to concentrate on other priorities.

Liberty has also provided information and material for teachers to use in schools, but again Liberty does not have sufficient resources to make its services available to all those who might wish to use them.

(c) advising and assisting people who claim to be victims of violations of their Convention rights;

Liberty receives some 4000 written enquiries and 1500 telephone calls a year from those seeking information and help. These figures remain high despite the fact that we can only afford to run a telephone advice service for six hours a week, rarely advertise our service and despite the fact that, in many cases, the advice we give has to be restricted to a referral to lawyers in private practice. At any one time Liberty’s Legal Department is involved in investigating about 30 new cases.

Our experience suggests that a Commission should not try to provide advice directly to the public. Relatively quickly the Commission would be swamped with calls for help. Precious resources would be used in providing a basic service and unless the Commission had vast resources could never meet the real need. We suggest that this service needs to provided instead by the advice sector and lawyers in private practice (with the assistance where necessary of the Legal Services Commission).

The Human Rights Commission would be better placed to encourage others to provide such services and to try to promote the best possible standards of advice giving on human rights.

Liberty runs the "Human Rights and Public Law Line" jointly with the Public Law Project. This is a "second tier" service provided as part of the Legal Services Commission’s pilot of various new methods of service delivery. The line offers specialist consultancy in public law and human rights to any advice agency or firm of solicitors with a "General Civil Contract". The line went ‘live’ in January last year and over the last 12 months the volume of calls has steadily increased. At present about one third of enquiries are from the ‘not for profit’ sector - the remainder being solicitors in private practice - however the line is now being used increasingly by practitioners.

(d) developing expertise in human rights;

Currently there is no focus for the development of expertise in human rights. Such expertise exists amongst lawyers, academics and a few NGOs like Liberty. A Commission could ensure that there was a focus for this expertise. The Commission could facilitate the development of this expertise by promoting specialist conferences and seminars. We also hope that this developing expertise could also assist the Human Rights Committee itself.
(e) bringing legal proceedings on human rights issues in the public interest?

Liberty believes that bringing proceedings on human rights in the public interest is an important function for the Commission. Whilst Liberty and other NGOs can bring cases in their own name in judicial review proceedings the Human Rights Act restricted such NGOs from using the Act in this way. As Lord Lester QC stated during the passage of the Human Rights Bill allowing public interest challenges:

"[it] has the advantage of enabling all the relevant matters at issue to be determined together and at an early stage in order to clarify whether there has been a misuse of public powers, including an abuse involving a violation of human rights."

Such an approach was supported by a large number of others of most parties and in both Houses. The government’s support for its restrictive position at the time seemed to be based on the risk that interest groups might take academic issues to the court or waste the court’s time in some other way. These objections were not justified at the time but none of these objections can apply to allowing a statutory body with specific powers and responsibilities and which is accountable to Parliament from having the power to take selective proceedings in its own name.

This is an important power which should be available to the Commission.

2. If a Human Rights Commission were established, how should its role and functions relate to those of this Committee?

Liberty believes that the Human Rights Committee and the Commission would complement each other’s work. The Commission will be able to provide expert advice to the Committee where and when this would be necessary. Whilst the Committee already has experts amongst its members and its staff, given the wide remit of the Committee, any expertise from other sources we think would be helpful. It may be that the Committee will wish to focus more closely on the scrutiny of legislation than the Commission but we are confident that close communication can avoid any unnecessary duplication.

As we have stated below (Q. 7) the Committee should be consulted on the appointment of its Chair and other members and the Commission should be accountable to the Committee for its work.

Where appropriate we have also referred to this relation elsewhere in this submission.

3. In what order of priority would you arrange the functions of such a Commission?

Liberty believes that the key functions of a Commission should be to:

- foster a culture of rights and to promote public awareness and acceptance of human rights principles and standards;
- assist Government, public and private bodies to comply with human rights standards and to promote best practice;
- undertake formal inquiries into public authorities which may be failing in their duty to uphold human rights;
- enforce human rights standards strategically by initiating legal proceedings, seeking to intervene in court proceedings taken by others and to provide support for test cases;
- assist Parliament and the Human Rights Committee to scrutinise legislation and policy to protect human rights;
- help individuals to find appropriate sources of help when their rights have been infringed
and to encourage the public sector, the advice sector, lawyers and others to provide that help;
· provide expert advice to those helping those individuals whose rights have been infringed;
· contribute internationally to the development of better standards of human rights protection.

Liberty believes that all of these functions should be a priority for the Commission. Whilst we have tried to put them in order of priority such an approach is, to some extent, artificial.

If you think that a Commission should examine a range of issues, to which issue or issues do you think that the Commission should give priority?

Even if legislation to set up a Commission were introduced in this session of Parliament, a Commission would not be functioning for another year. Liberty believes that it would not be sensible for us to speculate on what issues might be a priority at that time. However examples of key issues which are apparent now are set out in Liberty’s submission to the United Nations Human Rights Committee (enclosed).

4. If a Human Rights Commission were to be established, should there be a single body with a jurisdiction extending to all parts of the United Kingdom, or separate bodies for England, Scotland, Wales and Northern Ireland, or both a United Kingdom body and bodies with territorial responsibilities? (The Northern Ireland Human Rights Commission must continue to exist, as this is one of the requirements of the United Kingdom’s agreement with Ireland about the future of Northern Ireland.)

The legal systems in the different jurisdictions of the United Kingdom are different, as are the cultures and the approaches taken to human rights. The Northern Ireland Commission plays a key role within the Good Friday Agreement and its role must be preserved. It is likely that if the Scottish Executive decides to set up a Commission, the Parliament and others (including our sister organisation the Scottish Human Rights Centre) will wish to have its own Commission for Scotland. Liberty believes that such decisions such be respected.

There remains a question about the need for a separate Commission for Wales. The law in Wales is the same as that in England. The role of the Welsh Assembly is important but its restricted nature makes it less likely that it will be centrally concerned with human rights (particularly civil and political rights). It may be that the need to a special body for Wales is justified and Liberty’s looks forward to considering the evidence from others on this. If there were a Commission for England and Wales it would of course require expertise from Wales and about Wales. We would suggest that at the very least one Commissioner should have responsibility for Wales and the Commission would have to ensure that its services were accessible in Welsh. Perhaps the Welsh Commissioner should have responsibility for supervising a Welsh branch office if a separate Welsh Commission is not established.

Liberty is not sure whether or not this is the right stage to create an UK wide Commission. Perhaps instead less formal systems for co-ordination of the work of the three Commissions should be created instead. If this approach was adopted, each Commission would have the necessary powers to co-ordinate their work and, where appropriate, for each body to have the power to act for all and / or to provide the any necessary expertise to the other two bodies. This would allow the different Commissions to develop in different ways but to ensure that any expertise was shared and that the different bodies could provide co-ordination in different areas.

We think that providing each Commission has the necessary powers to work with and for the others it might not be necessary to create a formal federal structure immediately. There should be however a duty on each Commission to co-ordinate its work with the work of the
others and to share services and expertise. A formal federal structure may be necessary in the future and might very well develop out of the work of the Commissions in practice.

There is a need for a UK wide Commission or a formal federal structure in the longer term but it may be that the development of such structures should be based on the needs identified once the national bodies are in place.

5. If there were to be a Human Rights Commission with responsibilities for the whole United Kingdom (whether or not operated alongside other bodies with responsibility for just one part of the United Kingdom), what relationship should there be between its work in respect of Northern Ireland and the work of the Northern Ireland Human Rights Commission (and similar Commissions in Scotland and Wales if they are established at some time in the future)?

See the answer to Question 4 above.

6. If a Human Rights Commission were established, how should its work relate to that of other bodies with special responsibility for particular rights, such as the Information Commissioner, the Equal Opportunities Commission, the Commission for Racial Equality, the Disability Rights Commission, and the Equality Commission for Northern Ireland? In particular:

(a) should a Human Rights Commission perform functions now performed by existing specialist Commissions, or should it co-exist with them? If it were to co-exist, what roles should they perform in areas where their responsibilities might be expected to overlap?

(b) If a Human Rights Commission were to co-exist with the existing equality Commissions, should issues relating to equal opportunities be excluded from the remit of the Human Rights Commission and be given to the Equality Commissioner?

Liberty believes that the existing organisations have separates roles and objectives and at this stage to try and make them all fit together would produce a loss of focus and create unnecessary opposition to the establishment of a Human Rights Commission. Liberty does however believe that we urgently need a “Single Equality Act” to rationalise and extend the current anti-discrimination provisions.

A Single Equality Act could create a single equalities commission, as in Northern Ireland, and in the long term this may be an inevitable consequence of such a measure. However whatever happens in the long term a new Human Rights Commission will have to deal with those discrimination issues not dealt with by other bodies, in particular religious, age and sexual orientation discrimination.

If the current commissions remain in being after the establishment of a Human Rights Commission there are however steps that can be taken to ensure an effective use of resources and to reduce overlap. For instance, it may be that one member of the Commission for Racial Equality, the Equal Opportunities Commission and the Disabilities Rights Commission and the Information Commissioner should all be ex-officio members of each Human Rights Commission or that there should be other formal ways to ensure co-ordination. We would also expect the Commission to develop informal ways of co-ordination to avoid unnecessary overlap. We understand the current equality commissions already cooperate amongst themselves effectively (for instance by the production of joint codes of practice).
The promotion of equality generally will have to be a function of the Human Rights Commission and although theoretically that will overlap with the work of the equalities commissions this is very unlikely to cause any problems in practice. Unfortunately as it is unlikely that funding to any of the bodies will ever be sufficient for all of their objectives, scarcity of resources will ensure careful priorities and co-ordination.

7. If a Human Rights Commission were to be established, how should its independence of Government be preserved while ensuring an appropriate type and level of accountability? In particular:

(a) how should its Chair, members and key staff be appointed?

The United Nations Paris Principles

There has been a growing support by the United Nations for the establishment of national human rights commissions. The International Workshop on National Institutions was held in Paris, and formulated a set of principles endorsed by the UN General Assembly in 1993, setting out the mandate and independence of human rights commissions.

The principles provide that the mandate, composition and role of the national institutions should be established by the State’s Constitution or by statute. The remit of a national institution should be as broad as possible. They suggest that the institution should have a right to submit opinions, proposals reports and recommendations to Parliament, government and other competent authorities on any human rights issue, including any violation of human rights issue, including any violation of human rights and to publicise its opinions.

The creation of a body that is both independent of government but at the same time accountable is not a new problem, and the issues raised in the creation of a Commission are no different than, say, those raised by the creation of the Northern Ireland Human Rights Commission or, for instance, the Commission for Racial Equality.

We attach a copy of a Bill which we drafted some time ago which amongst other things included provisions to set up a Commission (see clause 6 and Schedule 4). These draft provisions were in turn modeled on the provisions which created the Commission for Racial Equality. In that Bill we gave the responsibility for appointment of the members of the Commission to the Lord Chancellor after consultation with the Home Affairs Committee. Now the Human Rights Committee has been established it would be more appropriate to substitute that Committee in place of the Home Affairs Committee. We chose the Lord Chancellor as the person to appoint the Commissioners, as his Department was less likely to be the focus of criticisms from the Commission than the Home Office. We also note with approval that human rights policy within government is to be moved from the Home Office to the Lord Chancellor’s Department.

An alternative option adopted for the Intelligence and Security Committee would be for the Prime Minister to appoint (again we would suggest after consulting the Human Rights Committee).

We believe that in order to ensure the creation of a professional body with real expertise, the Commissioners themselves should all work full time as Commissioners. Their recruitment should be by open competition. The majority of staff employed should not be seconded civil servants but recruited by the Commission directly following open competition. The senior employed staff should be recruited by the Commissioners directly once they are in place (interim secretarial support could be arranged by the sponsoring department). The senior staff can, in turn, recruit the more junior staff.
There may be a useful role for some secondments of senior staff directly from the civil service and in addition to the normal staff complement to ensure that the Commission does not become too remote from policy makers in government.

In our previous model we suggested:

"The Commission members shall be drawn in equal numbers from the following three categories:

(a) the legal profession, including practising lawyers and other persons knowledgeable in the law;
(b) non-governmental organisations concerned with human rights;
(c) members of the community, reflecting so far as possible those groups or individuals who have knowledge of or experienced of abuses of fundamental rights and freedoms."

The reason for these proposals was to ensure that the Commission membership was made up of both experts and representative of those who might need to seek its help. Whilst Liberty is not wedded to these specific proposals we believe the principles that they represent are important.

(b) How should funding be provided?

We have suggested in our draft Bill that funding should be provided by way of grant in aid from the sponsoring department. This does allow the government to control the Commission by directly holding the purse strings. Financial accountability is important but we would hope that the Human Rights Committee would see its role in the future as including the defence of the Commission’s independence.

We understand that some similar bodies have been prevented by their rules (or the statute creating them) from attracting funds from other sources and from selling their services (for instance conferences and materials). Such sources of funds will never be very large but to prevent the Commission from making small amounts of money in this way seems a waste of resources.

(c) To whom should it be accountable (for example, to a parliamentary body)?

The establishment of the Human Rights Committee creates an obvious route for accountability for a Commission. The Committee should have a key role in sponsoring and supporting the Commission and the Committee could provide substantive Parliamentary accountability. For instance, Liberty believes that the Commission could submit its annual report not to a Minister but instead to the Committee. The Committee would then be able to question the Commission on its activities and report to Parliament directly on its work. Some financial accountability would have to be to the sponsoring department although, of course, the Committee would also want to see the effective use of resources.

Our proposed Commission would also have jurisdiction in Wales and its annual report would also need to be provided to the Welsh Assembly. We would hope that the Assembly would create mechanism to ensure that the Commission could engage with the Assembly directly and Assembly members could question the Commission on its work in Wales.

(d) How should the matters mentioned in (a), (b) and (c) take account of devolution to Northern Ireland, Scotland and Wales?

Our preferred option is to have separate Commissions for Northern Ireland; Scotland; and England and Wales and our comments relate only to the Commission for England and Wales.
8. In the light of your answers to Questions 1 to 7, what is your estimate of the level of staffing which would be required by the body or bodies you propose and what the annual cost might be?

Liberty is concerned that any Commission should be properly funded in order to carry out its functions. We note that the Northern Ireland Human Rights Commission has argued that its funding has been inadequate and has proposed that a new provision should be included in the Act setting it up stating: “The Commission shall be provided with sufficient resources to ensure that it can carry out each of its functions effectively.” We have no doubt that this is correct.

Some calculations and estimates were made in A Human Rights Commission: The Options for Britain and Northern Ireland by Sarah Spencer and Ian Bynoe. However Liberty understands that the Institute of Public Policy Research now believes these figures are underestimates of the real costs.

9. Some Commissions currently operating in fields related to human rights have a range of powers. For example, they might be empowered to conduct investigations; to require people to provide information; to issue notices requiring people to cease conduct which the Commission considers to be unlawful; to conduct legal proceedings; to assist other parties to legal proceedings; to issue Codes of Practice; to conduct research; and to engage in a range of activities designed to heighten awareness of issues within their remits. If a Human Rights Commission were to be established, what powers should it have?

Liberty’s draft Bill sets out the powers that we believe the Commission should be given. These are modeled on the powers given to the Commission for Racial Equality. In our draft Bill we restricted the remit of our proposed Commission to promoting the rights and freedoms in the European Convention on Human Rights and its Protocols. In retrospect Liberty believes that this restriction was too narrow. We now believe that the Commission should be concerned with human rights more generally and not be restricted to the rights in the Convention but should encompass the other rights in other treaties. Such treaties would include, for instance, the International Covenant on Civil and Political Rights and more specific treaties such the Convention on the Elimination of all forms of Racial Discrimination.

Liberty’s own remit is restricted to promoting civil and political rights rather than social and economic rights and we cannot comment on whether a Commission’s remit should be similarly restricted.

Included within the provisions in our draft Bill was a power to conduct formal investigations. We believe that this function is essential. Human rights NGOs like Liberty generally have the ability, if not always the resources, to undertake most of the functions that we have suggested a Commission should have. However NGOs do not have the powers, resources or formal remit to conduct inquiries. At present independent inquiries are only set up following very significant events. Examples include the BSE inquiry, Bloody Sunday, the Arms to Iraq (Scott) etc. Such inquiries are expensive, slow and rarely set up before the issue has become a crisis.

The virtue of having a Commission with powers to set up formal inquiries is that such inquiries can be set up before the issues have reached crisis point or of interest to the media. Such inquiries can be set up for less controversial subjects than would justify the creation of the usual kind of public inquiry. They could also be set up without the need for significant political involvement. Inquiries by the Commission could tackle subjects which do not need the full panoply of a “public inquiry” although of course they are very likely to be held in public. Liberty believes that such inquiries could be shorter, more focused and produce quickly solutions.
Issues that might justify such an inquiry at present could include: deaths in police and prison custody (and the preponderance of those deaths involved people from ethnic minorities) or the treatment of asylum seekers on entry to Britain.

If the Commission is to undertake formal investigations it must have the powers necessary to require the production of documents and witnesses. Liberty’s first priority for such an investigation would concern deaths in police and prison custody. We have outlined in the attached material that we have sent to the United Nations Human Rights Committee an outline of why this issue is important. Only with the necessary powers could a Commission investigate deaths in custody and ensure that, for instance, the police, the Crown Prosecution Service, the Police Complaints Authority and others co-operated fully in any inquiry.

10. Are there other relevant issues or considerations which have not been covered in answers to the earlier questions?

Any other issues are dealt with elsewhere.