

EVERYONE HAS THE RIGHT TO LIBERTY AND SECURITY OF PERSON



WHAT DOES THE RIGHT SAY?

"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:

- the lawful detention of a person after conviction by a competent court;
- the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- 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;
- 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;

- 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;
 - the lawful 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.
- 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.
 - 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.

- 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.
- 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."



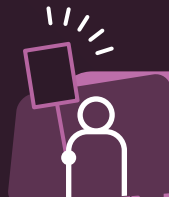
WHERE DOES IT COME FROM?

- 1215 Magna Carta said "No free man shall be seized or imprisoned... except by the lawful judgment of his equals or by the law of the land."
- 1679 Habeus Corpus Act guaranteed a judge would review imprisonment.
- 1776 US Declaration of Independence protects "life, liberty and the pursuit of happiness."



WHAT DOES IT MEAN IN PLAIN ENGLISH?

- You can only be detained in certain circumstances, for example after a court conviction, if you have entered a country unlawfully, are of "unsound mind", have an infectious disease or a substance addiction.
- You must be told why you've been arrested and have speedy access to a judge.
- You're entitled to compensation if your right is breached.



THREE KEY THINGS THAT IT DOES FOR US

Landmark court cases:

- 2003 We can't be locked up indefinitely without charge** – A & Ors, UK
After 9/11, the government started imprisoning suspected terrorists indefinitely without criminal charge or conviction. This breached the right to liberty. We ended this practice of detention without trial.
- 2012 We can't be detained forever without a proper chance of getting out** – James v UK, Europe
An "indeterminate" prison sentence means people can be in prison forever unless they show they are safe for release. There must be proper opportunity to show that.
- 2014 Mentally incapacitated people have the same right to liberty as everyone else** – Cheshire West, UK
Living arrangements of three mentally incapacitated people breached their rights to liberty. The Supreme Court said they had the same rights to liberty as everyone else.



WHY IS IT NEEDED NOW?

THOUSANDS ARE LOCKED UP, RIGHT NOW

People detained in the UK in 2014-15, approximately

96,100
IN PRISONS



21,500
IN MENTAL
HOSPITALS



3,500
IN IMMIGRATION
CENTRES