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| **The Human Rights Act’s****1998****UK****Article 3:**Freedom from torture and inhuman or degrading treatmentDemeanour**Article 3** **protects you from:**torture (mental or physical)inhuman or degrading treatment or punishment, anddeportation or extradition (being sent to another country to face criminal charges) if there is a real risk you will face torture or inhuman or degrading treatment or punishment in the country concerned.As you would expect, public authorities must not inflict this sort of treatment on you. They must also protect you if someone else is treating you in this way. If they know this right is being breached, they must intervene to stop it. The state must also investigate credible allegations of such treatment.**What is torture?**Torture occurs when someone deliberately causes very serious and cruel suffering (physical or mental) to another person. This might be to punish someone, or to intimidate or obtain information from them.**What is inhuman treatment?**Inhuman treatment or punishment is treatment which causes intense physical or mental suffering. It includes:serious physical assaultpsychological interrogationcruel or barbaric detention conditions or restraintsserious physical or psychological abuse in a health or care setting, andthreatening to torture someone, if the threat is real and immediate.**What is degrading treatment?**Degrading treatment means treatment that is extremely humiliating and undignified. Whether treatment reaches a level that can be defined as degrading depends on a number of factors. These include the duration of the treatment, its physical or mental effects and the sex, age, vulnerability and health of the victim. This concept is based on the principle of dignity - the innate value of all human beings.**Are t****here any restrictions to this right?**Your right not to be tortured or treated in an inhuman or degrading way is absolute. This means it must never be limited or restricted in any way. For example, a public authority can never use lack of resources as a defence against an accusation that it has treated someone in an inhuman or degrading way.**Using this right – example;**A young man with mental health problems was placed in residential care. During a visit, his parents noticed bruising on his body. They raised the issue with the care managers but their concerns were dismissed. They were also banned from visiting their son. The parents raised their son’s right not to be treated in an inhuman and degrading way and their right to respect for family life. The ban on visits was revoked and the bruising on the young man’s body was investigated.(Example taken from ‘The Human Rights Act: Changing Lives’, British Institute of Human Rights, 2006.)**What the law says;**Article 3: Prohibition of tortureNo one shall be subjected to torture or to inhuman or degrading treatment or punishment.**Example case** - Chahal v United Kingdom [1996]An Indian Sikh living in the UK claimed he would be tortured if deported to India because he was a high-profile supporter of Sikh separatism. The UK still sought to deport him on suspicion of being a terrorist. In a very important case, the European Court of Human Rights held that Article 3 prohibited his removal as he faced a real risk of torture or inhuman or degrading treatment. The Court stressed that his suspected involvement in terrorism was irrelevant – the protection afforded by Article 3 is absolute and extends to every human being, regardless of their conduct.See the publication ‘Human rights, human lives: a guide to the Human Rights Act for public authorities’ for more examples and legal case studies that show how human rights work in practice. |