Rt Hon David Gauke MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
London SW1H 9AJ

12 March 2018

Dear David

**JCHR inquiry into enforcement rights**

As part of its ongoing inquiry into the enforcement of human rights, the Joint Committee on Human Rights held an evidence session held on 8 March at which we heard from bereaved families about their experiences of the inquest process. We also heard from lawyers and NGOs who work in this field. The witnesses were unanimous in expressing the view that the way inquests are run puts families at a serious disadvantage as compared with interested persons from state bodies who have legal representation at public expense.

We understand the Ministry of Justice’s position has been that funding for representation at an inquest is not generally available because an inquest is an inquisitorial process, rather than an adversarial one. The evidence we have heard is that in practice this is not how families experience it. Families had often been subject to aggressive questioning from barristers representing public bodies (such as the NHS), or were left out of significant steps in the process due to their lack of legal representation. Questions were raised about whether the system was properly inquisitorial and whether coroners had the resources and training needed. The views expressed therefore suggested that this was increasingly becoming more like an adversarial process at which only one side was given State-funded lawyers – and therefore the justification that legal aid-funded representation was not required as this was an inquisitorial process was no longer valid.

We understand that the Ministry of Justice is currently considering these issues. We would be grateful for details of your work, and for information about the timescale on which it will be undertaken by Monday 26 March.

Yours sincerely

[H Harman]

Rt Hon Harriet Harman MP
Chair