

Denying prisoners legal aid is bullying the vulnerable

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The treatment of crime and criminals mark and measure the stored up strength of a nation, and are the sign and proof of the living virtue in it.” Chris Grayling, the Justice Secretary, would do well to mind Churchill’s words, spoken more than a century ago.

Expressing outrage at taxpayers’ money allegedly squandered on “unnecessary cases” brought by prisoners, Mr Grayling promises to preserve legal aid “for those most in need”. Who could he mean? If he is talking about vulnerability, prisoners are surely some of those most susceptible to abuse — not just from the prison system, but from fellow prisoners.

Amid the nonsense spouted about prisoners launching legal cases when beds are too hard or to get access to hardcore pornography, there are stories of terrible injustice — deaths in custody, violent racist cellmates and vicious assaults.

The notion that those in prison spend their days filing lawsuit after frivolous lawsuit is fantasy. Getting legal aid isn’t easy. The process is long and complex. Mr Grayling’s decision to deprive prisoners of the chance to claim legal aid to pursue complaints against the prison system will be counter-productive at best. It will clog courtrooms as prisoners represent themselves and judges are forced to act as mediators and social workers.

And there are questions to be asked about the Justice Secretary’s role in all this. Beneath the tough rhetoric about saving taxpayers money, is there not a minister seeking to exempt himself from legal accountability for those in his charge? By making it harder for prisoners to achieve redress isn’t he limiting his own liability?

Legal aid for prisoners is, of course, a sideshow: the real story here is about legal aid for all of us. Government after government has been guilty of denigrating and diluting the provision for years — a nip here and a tuck there has reduced this service to a fraction of what is needed. Savage cuts that came into force this week scrap funding for entire areas, with most family, immigration, employment, debt, welfare benefits and education cases now outside the scope of the system.

Those hit hardest will be children, families struggling with debt and those with disabilities. But the true impact of these cuts goes much further than the individual injustices. The possibility of legal intervention is the ultimate way of securing a society where respect for human rights, equality and due process guides the behaviour of our decision-makers. Legal aid cuts risk leaving big business, government and other members of the powerful elite that little bit freer to act with impunity.

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