

Human Rights and the “Hillsborough Law”

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Background

The Human Rights Act protects everyone’s rights and freedoms under the European Convention on Human Rights (ECHR), including the right to life. It is because of the ECHR and the Human Rights Act that the state must not only safeguard life, but also properly investigate deaths at the hands of the state, or where the state appears to bear responsibility, to ensure full accountability when lives are lost.

After a long legal struggle to uncover the truth, the Hillsborough families were able to obtain verdicts of unlawful killing of their loved ones by relying on the ECHR through the Human Rights Act. Their campaign paved the way for the Public Office (Accountability) Bill, known as the “Hillsborough Law”,¹ which creates a legal duty on public authorities to tell the truth, and a fairer and more equal system to protect the rights of bereaved people and survivors.

This explainer tells the story of how the right to life, protected under the ECHR and the Human Rights Act, transformed the law and practice of effective public investigations in the UK, for the Hillsborough families and countless others, thereby ensuring that people can hold the state accountable when its failings have fatal consequences.

The Hillsborough disaster and the cover up

On 15 April 1989, a crush developed at the Hillsborough stadium in Sheffield shortly before the FA Cup semi-final match between Liverpool and Nottingham Forest. It resulted in the deaths of 97 men, women and children, who were in two standing-only pens allocated to Liverpool supporters.

In the aftermath, South Yorkshire Police made untrue accusations that supporters had contributed to, if not caused, the disaster. Senior officers “consistently and intentionally presented unsubstantiated evidence” and altered the accounts of officers to sustain the false narrative.² They said that fans had been drunk and violent, forced their way into the stadium without tickets, picked the pockets of the dead, and assaulted and urinated on police officers.³

¹ See <https://bills.parliament.uk/bills/4019>.

² [The Hillsborough Disaster - The report of the IOPC and Operation Resolve investigations](#) (2025), Chapter 21.

³ [Report of the Hillsborough Independent Panel](#), September 2012, Chapter 12.

Those claims, later shown to be totally unfounded, were a deliberate attempt to shift responsibility onto the victims and away from the institutional and operational failures that caused the disaster.

Inquests before the Human Rights Act - inadequate and unequal

The original Hillsborough inquests took place from 1989 to 1991, before the Human Rights Act became law in 1998.

At that time, coroner inquests were strictly limited to finding the physical means by which a person died rather than conducting a more wide-ranging inquiry into the full circumstances and cause of their death.⁴ This narrow focus on the “how” not the “why” meant that inquests did not consider the role of state agencies in causing or failing to prevent deaths and the adequacy of safeguards that should be in place to protect life – with the further consequence that lessons were not learned when systems failed, and opportunities were missed to prevent future deaths.

In addition, bereaved families were at a serious disadvantage vis-a-vis state institutions throughout the inquest process in two key respects.

First, there was no right to disclosure of evidence, meaning that families and their lawyers were kept in the dark about key documents and facts and unable to participate effectively in the inquest proceedings.

Secondly, bereaved relatives had no right to legal aid. This meant that there was a stark inequality between, on the one hand, families who had to self-fund their legal representation, represent themselves or be unrepresented and, on the other hand, state bodies and officials with publicly funded legal teams.

⁴ *R v HM Coroner for North Humberside and Scunthorpe ex p Jamieson* [1995] QB 1.

The first Hillsborough inquests - “a pattern of exclusion and indignity”

It was under these narrow and unfair arrangements, before the Human Rights Act had been passed, that the first Hillsborough inquests took place.

In 1991, the inquests controversially recorded verdicts of accidental death. Crucially, the coroner ruled out evidence relating to events beyond 3:15 p.m., the time when the first ambulance arrived on the pitch. This decision was based on incorrect pathology evidence that all the victims were either dead or had suffered irreversible brain damage by that point. This meant there was no investigation into whether any of those who died might have survived if the rescue effort had been more effective.

The families’ accounts of their experience during the first inquests reveal what one of their lawyers, Elkan Abrahamson, calls a “pattern of exclusion and indignity”.⁵ For example, their loved ones were referred to by a number rather than by their name. The blood alcohol level of each victim, including children, was the first piece of information read out about them and was published in the media, perpetuating the false narrative instigated by the police that drunken behaviour had caused or contributed to the tragedy.⁶

With no advance disclosure of evidence, families and their lawyers were unable to effectively cross-question witnesses or challenge the pathology evidence that was later revealed to be fundamentally flawed.⁷

And with no public money provided for the families’ legal expenses, what representation they had was self-funded, in contrast to the public bodies and officials involved, who had taxpayer funded representation. A single solicitor represented the interests of over 90 families, while the senior police officers implicated in the disaster each had their own legal team funded by the public purse.⁸

⁵ Joint Committee on Human Rights (JCHR), [Oral evidence: Hillsborough law, HC 1740](#), 19 July 2023, Q7.

⁶ The Right Reverend James Jones KBE, ‘[The patronising disposition of unaccountable power](#)’: [A report to ensure the pain and suffering of the Hillsborough families is not repeated](#), 1 November 2017, paras. 2.17-2.20; [Report of the Hillsborough Independent Panel](#), paras 2.5.61-2.5.123.

⁷ ‘[The patronising disposition of unaccountable power](#)’, para. 2.15.

⁸ ‘[The patronising disposition of unaccountable power](#)’, paras. 2.11-2.12.

⁹ JCHR, [Oral evidence: Hillsborough law, HC 1740](#), 19 July 2023, Q5.

¹⁰ JCHR, [Oral evidence: Hillsborough law, HC 1740](#), 19 July 2023, Q6.

“You have public authorities spending public money like confetti hiring the best QCs in the land and, in the case of the Hillsborough families, you had families who had to scratch around even to cobble together enough money to get any form of representation... That is how these injustices keep repeating and echo through the decades.” Andy Burnham, then Mayor of Greater Manchester¹⁰

The recognition of the right to life under the Human Rights Act - a “watershed moment”

The Human Rights Act brought into UK law the rights and freedoms protected under the ECHR, including the right to life (Article 2 of the ECHR). The right to life, as interpreted by the European Court of Human Rights and UK courts, creates a legal duty on the state to protect the right to life and to ensure effective investigations where the state might have failed in its primary duty to safeguard life.

The Human Rights Act significantly strengthened the mechanisms by which human rights are protected in the UK. The Act creates a duty on public authorities to uphold human rights in their day-to-day actions and decisions. It also requires UK courts to “take into account” (but not be bound by) case law of the European Court of Human Rights, meaning that standards developed by the Court can directly inform UK courts when they decide human rights cases.

Article 2 of the ECHR states that “everyone’s right to life shall be protected by law”. It imposes very strict limits on the purposes for which agents of the state can use lethal force, but is much more than simply a right not to be killed.¹¹

It also means that public authorities must take active steps to safeguard life in three ways. First, states must have an effective legal framework to **prevent** deaths and deter threats to life. Secondly, public bodies must take reasonable measures to **protect**

¹¹ As first recognised by the European Court of Human Rights in *McCann v United Kingdom*, No. 18984/91, 27 September 1995.

people when they know or ought to know of a real and immediate risk to their life from criminal acts, self-harm, or other dangerous situations.

Thirdly, states have a duty to properly **investigate** when a person dies in suspicious circumstances at the hands of the state or where there has been a potential state failure to protect life.

It was this duty to investigate – not previously a part of UK law until the Human Rights Act, and so “a watershed moment in the development of proper investigations into state-related deaths”¹² – that helped to unlock the door to the truth for the Hillsborough families, although it took another decade of campaigning and litigation to achieve it.

How the ECHR and Human Rights Act set the standard for effective investigations

The European Court of Human Rights¹³ and UK courts¹⁴ have developed a checklist of standards to ensure that investigations get to the truth, identify lessons to prevent future deaths, and treat bereaved families and survivors fairly.

To be compliant with the right to life,¹⁵ investigations must be:

- Effective, ensuring that, as far as possible, the full facts are brought to light, and those responsible are identified and brought to account
- Independent of the people or agencies implicated in the events
- Proactive, meaning that the authorities should act of their own motion and not leave it to the initiative of bereaved relatives
- Prompt and expeditious, since the passage of time may hinder effective investigation
- Transparent enough to maintain public confidence and permit families and survivors to be involved in the investigation to the extent necessary to safeguard their interests.

¹² [INQUEST and Inquest Lawyers Group Response to the Human Rights Act consultation](#), 8 March 2022.

¹³ See, e.g., *Hugh Jordan v United Kingdom*, No. 24746/94, 4 May 2001.

¹⁴ See, e.g., *R (Amin) v Secretary of State for the Home Department* [2003] UKHL 51.

¹⁵ The same obligation to investigate state action or inaction arises in the context of potential breaches of two other fundamental rights, Article 3 ECHR (prohibition of torture and inhuman or degrading treatment

How the Human Rights Act drove change to ensure families are treated fairly

In the decade after the Human Rights Act came into effect in 2000, while the Hillsborough families continued their campaign for justice, the incorporation of the ECHR right to life into UK law brought about important reforms to the scope of inquests, disclosure of evidence and legal aid.

Broadening the scope of inquests

In 2004, in a case concerning a man known to be at risk of suicide who hanged himself in prison, the House of Lords said that in order to comply with the standards set by the European Court of Human Rights, inquests where a person had died due to state failings had to become broader.¹⁶ They needed to examine not only “by what means” a person died, but also “in what circumstances”. This requires investigation of systemic problems, missed opportunities, and the sequence of events leading up to the fatal outcome – the missing dimension of the first Hillsborough inquests.

The Coroners and Justice Act 2009 placed this standard into law,¹⁷ as well as creating a duty for coroners to report where their investigations reveal circumstances that create a risk of future deaths.¹⁸ These “prevention of future death” reports are another important means by which the UK upholds the right to life. They are only required because of the ECHR and the Human Rights Act.

Giving families the right to disclosure of evidence

In 2013, bereaved families in inquests were given a right to disclosure of key documents held by the coroner in England and Wales.¹⁹ This reform came about in part due to rulings by the European Court of Human Rights in cases about alleged unlawful killings by or with the collusion of the British security forces in Northern Ireland, which found that the non-disclosure of witness statements to bereaved relatives breached the duty to investigate required by the right to life.²⁰

or punishment) and Article 4 ECHR (prohibition of slavery, servitude and forced labour, which includes human trafficking).

¹⁶ *R v HM Coroner for the Western District of Somerset and another ex parte Middleton* [2004] UKHL 10.

¹⁷ [Coroners and Justice Act 2009, Section 5\(2\)](#).

¹⁸ [Coroners and Justice Act 2009, schedule 5](#).

¹⁹ [Coroners \(Inquests\) Rules 2013](#), Rule 13.

²⁰ See, e.g., *Hugh Jordan v United Kingdom*, No. 24746/94, 4 May 2001.

Expansion of legal aid – towards a fairer system

From 2001, the government began to fund legal representation for families at inquests, exceptionally, where necessary to ensure an effective investigation under the right to life in the ECHR or serve a wider public interest.²¹ From 2005, chairs of statutory public inquiries had the power to award funding to bereaved relatives.²²

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced legal aid – known as exceptional case funding – for those whose human rights (generally the right to life) would be breached if they did not receive it.²³

The campaign for truth

For the Hillsborough families, a breakthrough came in 2009, on the 20th anniversary of the disaster, when Andy Burnham, then Secretary of State for Culture, Media and Sport, announced the government’s intention to waive the 30-year rule on withholding public records to enable disclosure of all documents relating to the disaster.

In 2010, the Hillsborough Independent Panel, chaired by the Bishop of Liverpool, James Jones, was appointed to analyse 450,000 pages of previously withheld documents.

In 2012, the panel confirmed that the primary cause of the disaster was a serious failure of police command and control. It noted that stadium safety and crowd management were “compromised at every level”, with minimum standards unmet and deficiencies that were “well known”.²⁴

It proved conclusively that Liverpool supporters did not cause or contribute to the crush, completely debunking the initial police narratives of fan drunkenness and hooliganism.²⁵

It unearthed evidence that some of those who died may have been alive after 3:15 p.m. and concluded that “a swifter, more appropriate, better focused and properly equipped response had the potential to save more lives”.²⁶

²¹ Under the Access to Justice Act 1999. See also [The Community Legal Service \(Financial\) \(Amendment No. 2\) Regulations 2010](#), which gave the Lord Chancellor power to waive means testing for families to get legal representation at an “Article 2” inquest on an exceptional basis in England and Wales.

²² [Inquiries Act 2005, section 40](#).

²³ [Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 10\(3\)](#).

²⁴ [Report of the Hillsborough Independent Panel](#), p. 6.

²⁵ [Report of the Hillsborough Independent Panel](#), para. 153.

²⁶ [Report of the Hillsborough Independent Panel](#), para. 60.

Within weeks, the High Court quashed the verdicts of the original inquests, saying: “Throughout there has been a profound, almost palpable, belief that justice has not been done and that it cannot be done ... until the full truth is revealed.”²⁷

The second inquests - a measure of justice

The fresh inquests took place between March 2014 and April 2016 under a system that had profoundly changed since 1991 due to reforms which had only come about because of the ECHR and the Human Rights Act.

The coroner determined that Article 2 was engaged (i.e. the facts of the situation fell within the scope and protection of the right to life).²⁸ This meant that the inquest had to meet the minimum standards identified by the European Court of Human Rights for an independent and effective investigation, capable of determining the full circumstances that caused each death and enabling participation in the inquest by bereaved relatives.

“As a consequence of the Human Rights Act 1998, in inquests relating to cases where the state may have played a part in the death of a person the question of ‘how’ is interpreted as meaning not only by what means did that person meet their death, but also in what circumstances did they die. This broadens the scope of an inquest in these cases – a significant departure from the prevailing situation in 1989.” The Right Reverend James Jones KBE²⁹

After hearing evidence for two years, the jurors recorded verdicts of unlawful killing.

The jurors agreed that, contrary to the false accounts given by the police, fans played no part in causing or contributing to the disaster.³⁰ Instead, they attributed responsibility to errors and omissions by the police and ambulance services and Sheffield Wednesday FC, as well as dangerous and defective stadium design.

²⁷ HM Attorney General v HM Coroner of South Yorkshire and HM Coroner of West Yorkshire, para. 7.

²⁸ Hillsborough inquest, [transcript of hearing on 5 June 2013](#), p. 27.

²⁹ ‘[The patronising disposition of unaccountable power](#)’, para. 2.41.

³⁰ [Determinations and findings of the Hillsborough inquests](#), 27 April 2016.

The new rules of disclosure entitled the families’ legal representatives to documents held by the coroner, in addition to those reviewed by the Hillsborough Independent Panel.

“[The new inquests] were so different to the previous inquests mostly because of the Human Rights Act and the fact that we had advance disclosure. That meant that everyone was on an even playing field. The families hadn’t experienced that before.” Barry and Jac Devonside, parents of Christopher Devonside.³¹

At the fresh inquests, the families of the victims received non-means-tested funding for legal representation. This included provision for medical expertise to allow the families to fully interrogate the pathology evidence. Capturing the impact of publicly funded legal representation, lawyers for some of the relatives, Pete Weatherby KC and Elkan Abrahamson, said: “Had the families been properly supported from the outset this massive miscarriage of justice may well have been avoided.”³²

Bereaved relatives say that, in contrast to the dehumanising effects of the original inquests, when victims were identified by a number, the fresh inquests provided space for family members to paint “pen portraits” of the person they had lost, and the impact of their death on those who loved them.

“The ‘pen portraits’ was the birth of something extraordinary in public inquests. The [victims] had just been a number... To be able to portray my father to the jury and court as the beautiful human being he was, is something that I will never forget.” Gerard Baron Jnr, son of Gerard Baron.³³

³¹ [‘The patronising disposition of unaccountable power’](#), para. 2.42.

³² [‘The patronising disposition of unaccountable power’](#), para. 2.36.

³³ [‘The patronising disposition of unaccountable power’](#), para. 2.39.

“Incalculable human cost” – learning the lessons of Hillsborough

While the fresh inquests achieved vindication for the Hillsborough families, the two-year process was described as “gruelling and painful”.³⁴ Bereaved relatives recall the “intensity and ferocity”³⁵ of lawyers representing public authorities, and were distressed by questioning concerning the futility of resuscitating their loved ones, as well as the re-emergence of false police narratives about hooliganism and drunkenness.³⁶

No police officer has been convicted of a criminal offence or faced disciplinary proceedings for their failings at Hillsborough.³⁷

The parliamentary Joint Committee on Human Rights inquiry into the “Hillsborough Law” in 2023 concluded that, despite progress brought about by the Human Rights Act, “the lessons of the Hillsborough tragedy remained unlearnt”.³⁸

In practice, disclosure of evidence can often be “late and erratic”, with the failure of state bodies to provide full disclosure to the coroner in advance of the inquest a “recurrent problem”.³⁹ Funding for legal representation of bereaved relatives remains exceptional and in many cases, public authorities still get legal representation when families do not.⁴⁰

When Andy Burnham, then Mayor of Greater Manchester, was asked by the Joint Committee on Human Rights whether the UK government was fulfilling its obligations under Article 2 of the ECHR to hold effective official investigations through coroners’ inquests into deaths where the state may be responsible, he indicated that it was not:

That is why a duty of candour ... needs to apply right across the board, right the way up to the top, if we are to stop an impulse in the system, always to deflect and to push away responsibility. It costs the British state far more to do this than it does to be honest at the very start, not just in the direct costs to the Exchequer

³⁴ [‘The patronising disposition of unaccountable power’](#), para. 2.43.

³⁵ [‘The patronising disposition of unaccountable power’](#), para. 2.72.

³⁶ [‘The patronising disposition of unaccountable power’](#), para. 2.66.

³⁷ [The Hillsborough Disaster - The report of the IOPC and Operation Resolve investigations](#) (2025).

³⁸ JCHR, [Human rights and the proposal for a “Hillsborough Law”](#), HC 180, 24 May 2024, para. 10.

³⁹ [‘The patronising disposition of unaccountable power’](#), para. 2.75.

⁴⁰ [Human rights and the proposal for a “Hillsborough Law”](#), paras. 82-83. This happened, for example, in the inquests into the deaths of the members of the public that died in the London Bridge terror attacks in 2017, which were ruled not to engage Article 2 of the ECHR.

but in the human consequences of forcing people bereaved or people harmed through tragedy into the wilderness ... The human cost of that is incalculable.⁴¹

The Hillsborough Law - a “safeguard against silence”

More than 37 years after the disaster, Parliament is now debating a “Hillsborough Law” – a Bill that would create a statutory duty of candour and assistance (a legal obligation to act transparently) for public authorities and officials when engaging with inquiries, inquests and similar investigations, with criminal penalties for egregious breaches.⁴²

The Bill also aims to achieve “parity of representation” for bereaved families at inquests involving public authorities in England and Wales, by expanding non-means-tested legal aid for bereaved relatives and creating a duty on public authorities to engage legal representatives only where necessary and proportionate.

The experience of the Hillsborough families, whose campaign for justice straddled the years before and after the Human Rights Act, is a compelling example of the difference that has been made to the lives of ordinary people by incorporating Convention rights into UK law.

But it also shows that making the rights in the ECHR part of our law through the Human Rights Act is not enough to make those rights effective. More detailed national laws are needed to ensure that the rights are actually protected in practice. That is precisely how the ECHR system is meant to operate: by member states not only making ECHR rights part of their law, but adopting, through the democratic process, detailed implementing laws which ensure that the rights are effectively protected in their particular national system.

The Hillsborough Law is designed to do just that. It is a significant advance in embedding truth, accountability and equality of representation within the system of public investigations and upholding the dignity and participation rights of the bereaved and survivors. The Hillsborough Law is a testament to how the Human Rights Act and

⁴¹ JCHR, [Oral evidence: Hillsborough law, HC 1740](#), 19 July 2023.

⁴² [Public Office \(Accountability\) Bill](#). In addition, in May 2024, Parliament passed the Victims and Prisoners Act 2024, which established the Independent Public Advocate with responsibility for supporting victims of major incidents occurring in England and Wales, as recommended by Bishop James Jones in his report on *‘The Patronising Disposition of Unaccountable Power’*.

the ECHR continue to make a tangible and long-lasting difference to ordinary people’s pursuit of truth, justice and accountability.

“It was that Article in the Human Rights Act – the right to life. Without that we’d have been nowhere. And we need that for future reference. Because Hillsborough will happen again. Events like this will happen again and people will try to cover it up. So, we need the Human Rights Act to support any other individual in their quest for justice.” Steve Kelly, brother of Michael David Kelly⁴³

In campaigning for legislative change, the Hillsborough families found common cause with groups seeking justice for preventable deaths caused by other events, including the Grenfell fire, the COVID-19 pandemic, the Manchester Arena attack, and the scandals concerning contaminated blood, Windrush and the Post Office Horizon IT system.⁴⁴ On the 75th anniversary of the European Convention on Human Rights on 2 November 2025, they wrote:

Without the protections of the ECHR, many of our struggles would have been longer, lonelier, and more hopeless. The Convention gave us not a guarantee of justice, but the possibility of it: the chance to demand answers, to press for accountability, and to challenge power when it turned away. It is a safeguard against silence.⁴⁵

In short, it was the ECHR and the Human Rights Act which enabled the families of the Hillsborough victims to secure verdicts of unlawful killing and achieve a measure of State accountability for the unbearable loss of their loved ones.

And it is the Hillsborough Law which will make those basic human rights that we all currently enjoy, to an effective investigation and to hold the State accountable for its failings, better protected in future.

⁴³ Dan Kay, [How the Human Rights Act helped Hillsborough families achieve justice](#), Liverpool Echo, 15 November 2016.

⁴⁴ <https://hillsboroughlawnow.org/>.

⁴⁵ Dave Burke, [Scandal victims make powerful plea to stop Nigel Farage law change](#), Daily Mirror, 2 November 2025.