[2021] UKSC 28

Case summary

Issue

Whether the Court of Appeal erred (i) in its approach to international materials and (ii) by failing to apply a ‘strict necessity’ test when determining whether the Respondent’s treatment of the Appellant during the first 55 days of his detention at Feltham Young Offenders’ Institution breached Article 3 of the European Convention on Human Rights?

Facts

The Appellant, AB, was held in Feltham Young Offenders’ Institution when he was 15 years old. During this period, there were various breaches of the Young Offender Institution Rules 2000 relating to AB’s removal from association from other inmates and the provision of education to AB, who was of compulsory school age. AB brought judicial review proceedings before the High Court, alleging (i) that his treatment at the institution between 10 December 2016 and 2 February 2017 amounted to inhuman or degrading treatment, contrary to Article 3 of the European Convention on Human Rights; and (ii) that his removal from association with other inmates during this period breached his right to respect for his private life under Article 8 of the European Convention on Human Rights. The High Court dismissed his claim under Article 3 but allowed his claim in part under Article 8. The Court of Appeal dismissed AB’s appeal. AB now appeals to the Supreme Court, having been granted permission to appeal on the Article 3 issue.