

The Human Rights Act 1998, HUMINT legislation, and the impact on practitioners within a 'metropolitan' force: A thematic analysis

A study focusing on the impact of the Human Rights Act 1998 on the experiences of Human Intelligence (HUMINT) professionals.

Key details

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| Police region | South East |
| Level of research | Masters |
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Research context

On 9 November 1998, the Human Rights Act (HRA) received royal assent, adopting the European convention on human rights (ECHR) into UK law. This included articles on:

- the right to life
- freedom of thought, conscience and religion
- freedom of assembly and association
- privacy via the right to respect for private and family life

Some of these rights were and remain absolute, for example, prohibition of torture. Others were and remain qualified, for example, under the right to life, Article 2.2, the state could under certain circumstances in a democratic society, take life without breaching the article – for instance, when a

person was threatening another with extreme violence and the threat was real and immediate.

One significant premise arising from the HRA was that any activity of the state that breached articles could only be done under a 'legal basis', arising from accessible and permissive legislation being in force. This legislation either did not exist or was not fit for purpose in the context of conducting surveillance and covert operations.

The government's solution was the regulation of investigatory powers act 2000 (RIPA). It made 'lawful' certain properly authorised activity that would otherwise breach convention rights. For instance, using informants (subsequently known as covert human intelligence sources 'CHIS'), deploying undercover officers (UCOs), and other covert activity which could potentially engage rights, particularly the 'right to respect for private and family life' (Article 8).

The experience of practitioners who bridged that period and others who followed them has yet to be captured in a qualitative research study and thematic analysis covering the initial and subsequent legislation 24 years later. This proposal focuses on Human Intelligence (HUMINT) and practitioners only, and the gap in HUMINT academic research and discourse focusing on the lived experience of these individuals.

Research methodology

- semi-structured interviews with HUMINT professionals
- reflexive thematic analysis within the paradigm of qualitative sensibility/phenomenology/ontological relativism acknowledging the first person lived experience and subjectivity of both the participants and researcher
- the research will deploy techniques such as the use of a reflexive statement and journal, use of ciphers, transcription using AI software, and coding of interview transcripts

Research participation

Police officers from 'Metropolitan' forces whose careers began before 1998 and straddled 2000 and beyond, who handled or controlled, authorised or otherwise managed Informants prior to the HRA 1998 and RIPA 2000 and remained engaged with CHIS and the HUMINT profession after that date.