



Prison Reform Trust, 15 Northburgh Street, London EC1V 0JR
www.prisonreformtrust.org.uk

23 February 2010

Dear Committee of Ministers,

Hirst v UK (No. 2) judgment

I write to you under Rule 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

Six years ago the European Court of Human Rights (ECtHR) ruled in *Hirst v UK (No. 2)* that the UK Government's blanket ban barring sentenced prisoners from voting is unlawful. Yet, despite the UK Government's appeal being rejected in 2005 and two public consultation exercises, the policy remains in place.

Repeated reminders to the Government to comply with the Convention have been issued by a number of official bodies including the UK Parliament's Joint Committee on Human Rights, the UN Human Rights Committee, and civic society groups including the Prison Reform Trust, UNLOCK, the association of reformed offenders, Liberty and the Aire Centre.

As the Committee of Ministers noted in its Interim Resolution on 3rd December 2009, "the substantial delay in implementing the judgement has given rise to a significant risk that the next UK general election, which must take place by June 2010, will be performed in a way that fails to comply with the Convention."

The failure to implement the ECtHR's decision reflects a lack of political will manifested in a series of delaying tactics. Successive Justice Ministers have seemed preoccupied with political considerations of this case rather than fairness or the rule of law. The Government has yet to publish the results of its 2nd protracted consultation on prisoners' voting rights which opened on 8th April 2009 and concluded on 29th September 2009. Despite the fact the consultation received only 100 responses, in correspondence with the Prison Reform Trust and others the Ministry of Justice has repeatedly said it is in the process of considering the responses with no indication of when the results will be published.

On 8th February 2010 the Barred from Voting briefing paper by the Prison Reform Trust and UNLOCK was launched in the House of Lords at an event hosted by the former Chief Inspector of Prisons Lord Ramsbotham and Lord Fellowes. The launch was well attended by Parliamentarians and attracted some favourable coverage in the national press. We attach to this submission a copy of the briefing and a selection of the press coverage. Copies of the briefing have been sent to Ministers and senior officials in the Ministry of Justice with a request to respond to the points raised.

At the launch Paul Tidball, President of the Prison Governors Association, spoke of being professionally compromised by the Government's non-compliance, and said:

"The blanket ban on sentenced prisoners' voting is out of step in a modern prison service and runs counter to resettlement work which aims to ensure that prisoners lead a responsible, law-abiding life on release."

Rt Revd James Jones, Lord Bishop of Liverpool and Bishop to Prisons, said:

“When you see the list of other countries that disenfranchise prisoners, it doesn’t fill you with pride. Prison should be about making prisoners more responsible citizens – giving them the vote is a step in the direction of rehabilitation.”

Lord Ramsbotham said:

“The government’s failure to comply with the ruling of the European Court raises two fundamental questions it must address. First, why is there this continued prevarication in defiance of the rule of law, of human rights and the rehabilitation of offenders – all causes that the Government claims to champion? Second, what message does the Government think that the continued defiance of the rule of law sends to prisoners as well as the other countries in the Council of Europe?”

Over the past six years the UK Government has repeatedly avoided acting on opportunities to comply with the judgement of the European Court. In the remaining time before the general election there appear to be two legislative measures available:

- Introducing an amendment to the Constitutional Reform and Governance Bill which is currently before Parliament
- Issuing an urgent remedial order to amend the existing legislation and at the same time allow for Parliamentary debate within a proscribed period.

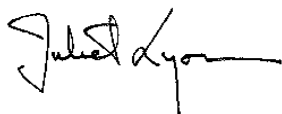
Through its audit procedures the Ministry of Justice has been systematically seeking prisoners’ level of interest in voting and in general is thought to have received positive responses. The Prison Service does not envisage practical problems in enabling sentenced prisoners to vote. The Electoral Commission has set out in its response to the Ministry of Justice’s second consultation on prisoners voting in 2009 a mechanism by which prisoners could be enfranchised through a system of postal or proxy voting, involving a modification to the existing declaration of local connection in electoral law.

The Prison Reform Trust believes the UK Government’s current position is morally and legally unsustainable and incompatible with its obligations as a member of the Council of Europe. We urge the Committee of Ministers to do all in its powers to ensure that the UK Government complies with the *Hirst* judgment without further delay.

Finally, we ask the Committee to consider now serving the UK Government with formal notice of its intention under Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms that at its June meeting it will refer to the Court the question of whether the Government has failed to fulfil its obligation. We ask the Committee to consider waiving the normal six month notice period and substituting a two month notice period given that there is so little time for Government to comply with the Convention before the next UK General Election must take place.

We should be pleased to provide additional information if that would be of use to the Committee.

Yours sincerely,



Juliet Lyon CBE

Director of the Prison Reform Trust