

## Prisoners: Voting

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**Lord Ramsbotham:** Asked Her Majesty's Government what arrangements they have made for European prisoners in British prisons and British prisoners in European prisons to vote in the forthcoming European elections.

**Lord Ramsbotham:** My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare an interest as president of UNLOCK, the National Association of Reformed Offenders.

**The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bach):** My Lords, all sentenced prisoners detained in UK prisons are barred from voting in British electoral regions for European elections. EU citizens who are eligible to vote in other member states will be given such assistance as practicable to enable them to exercise their vote. Arrangements for British prisoners detained in prisons in other member states are for the authorities in the relevant member state in accordance with those prisoners' voting entitlement.

**Lord Ramsbotham:** My Lords, I thank the Minister for that predictable reply. I remind the House that it is now five years since the European Court found that the Government were in breach of European human rights by denying prisoners the right to vote and four years since the Government's appeal against that ruling was rejected. It is also four years since the Government announced a consultation on that ruling, which was reported on only last week at the same time as the announcement of a second consultation on the same subject. I have two questions: 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 claim to champion? Secondly, what message does the Minister think that that continued defiance of the rule of law sends to prisoners?

**Lord Bach:** My Lords, there is no defiance. Prisoner voting rights is a sensitive and complex issue. As Ministers have promised, we recently published a second, more detailed public consultation on how voting rights might be granted to serving prisoners and how far those rights should be extended. Frankly, we need to take the wide spectrum of opinion in the United Kingdom together with the considerable practical implications for the courts and prison authorities and for the conduct of elections. We aim to arrive at a solution that fully respects the judgment of the court while fitting appropriately with the traditions and contexts of our own country.

**Lord Lester of Herne Hill:** My Lords, is the Minister aware that the Republic of Ireland, the Republic of Cyprus and Hong Kong have found it easy to enact measures to give prisoners voting rights? Will he explain why we are finding it so difficult, if it is not—as I believe it to be—an example of timidity in the face of what the Government fear from the press? Have the Government taken into account that their timid prevarication will lead to costs to the taxpayer if prisoners take cases to Strasbourg for this gross violation of a binding judgment and then we have to pay the costs of all these legal proceedings? Was that taken into account when the Government decided to kick this into the long grass?

**Lord Bach:** My Lords, on a previous occasion I quoted the noble Lord back to the House. The noble Lord is on record as saying only in November of last year that neither he nor the Joint Committee on Human Rights was suggesting that the Government have an overall bad record in terms of implementation of the judgments of Strasbourg. He went on to say that that is not the case. In answer to the supplementary question of the noble Lord, Lord Ramsbotham, I tried to explain that the question of whether prisoners, who by some arguments forfeited their right to vote while they are in prison, should be allowed to vote is a difficult one. The European Court of Human Rights has spoken, and we have to implement that judgment. How we implement it is a difficult issue, and would be for any Government.

**Lord Elystan-Morgan:** My Lords, does the Minister not agree, however, that it is simply not a matter of "may" or "might" but of "must", and that for some years we have clearly been in breach of a specific legal obligation? Does he not agree also that it is entirely wholesome that these people, who have been placed beyond the walls of society for their transgressions—and perfectly properly so—should be reminded that they are human beings and citizens with fundamental rights? Indeed, in some cases that situation may remind them of the reciprocity between obligations and rights in relation to the community.

**Lord Bach:** My Lords, I have to remind the House that when the European Court of Human Rights ruled on the appeal in October 2005, about three and-a-half years ago, it did not specify which prisoners should be given the vote. Indeed, the Court held that the blanket ban was unlawful, but expressly recognised that each member state had some discretion as to who should be given the vote. The Court expressly stated that it was not for it to impose on the UK full voting rights for all prisoners, but it was for the UK, through its democratically elected Parliament, to implement the judgment, taking into account its constitutional traditions. That is why in the second consultation paper, produced earlier this month, we set out a number of different options. Indeed, we invite noble Lord with views on this to answer the consultation.

**Lord Tebbit:** My Lords, is it not clear that despite the judicial imperialism, to which we are becoming accustomed, the British people have not been asked to give their view on the matter, and that the Parliament of this Kingdom has not yet been invited to give its view on this matter? The noble Lord and his colleagues are to be congratulated on resisting the judicial imperialism, of which we hear far too much.

**Lord Bach:** My Lords, I am tempted to thank the noble Lord. However, I will resist that temptation because we do not see this as judicial imperialism. I have to say that the judgment of the Court could just as easily have been made when the Government of which he was a distinguished member were in power, and it would have been just as necessary for them to react to it in the same way.

**Lord Grocott:** My Lords, whether or not prisoners have the right to vote in European elections, is it not worth reflecting on a broader note? Of those who have the right to vote in European elections, a substantial majority do not bother to exercise it. Is not one of the reasons for this that elections to the European Parliament are conducted on the basis of proportional representation, a system that removes the relationship between the elected and the electors? Would it not be wise to take a lesson from recent history, that the best system for European and any other elections in this country is that of first past the post?

**Lord Bach:** My Lords, I have waited for this moment for some time: to be able to say to my noble friend, my ex-Chief Whip, that his question is slightly wide of the Question to which I originally responded.