



UNLOCK
The National Association
of Reformed Offenders

Secretary to the Committee of Ministers
Council of Europe
Avenue de l'Europe
67075 Strasbourg Cedex

24 May 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.

It is a matter of record that UNLOCK has submitted previous letters under Rule 9 concerning the UK Government's failure to act on the findings of the European Court in the above case. We regret to note that despite the requirement of the Committee that the UK Government "rapidly adopt measures, of even interim nature" so that serving prisoners would be enfranchised in the general and local elections of 6 May 2010, no such measures were forthcoming and elections took place with the blanket ban on serving prisoners from voting remaining in place.

Reinforcement of the decision in Hirst can be seen in the European Court's recent case of Frodl v Austria. In this case prisoners serving a sentence of more than one year had been disenfranchised. The Court held this to be unlawful stating that a decision which would remove a prisoner's right to vote "should be taken by a judge, taking into account the particular circumstances". Moreover, "there must be a link between the offence committed and issues relating to elections and democratic institutions". Effectively this means that a very small number of prisoners would have their right to vote removed and those would be where the individual is convicted of electoral fraud or a related offence.

It should be noted that none of the options advanced in the UK Government's protracted two-stage consultation provided for the position which the Frodl case determines should be held by a member state on this issue. It should further be noted that the UK Government has failed to publish either the findings of its second stage consultation which closed on 29 September 2009, or a response to it.

UNLOCK has no reason to hope that the new UK Government will take positive action to abide by the Hirst decision since, when in opposition, the Conservative Party failed to challenge the effective non-compliance of the Government in this matter. On 30 March this year, UNLOCK wrote to The Rt Hon Michael Wills MP Minister of State (copy enclosed) and noted that should the Government fail to comply with the ruling by the time of the implementation of Protocol 14, Rule 11, in April 2010, we would be urging the Committee of Ministers to refer the Hirst case back to the Court to take further action. We now request that the Committee adopts this course of action.

Yours sincerely,

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Deputy Chief Executive

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