

Rt Hon Jack Straw MP
Secretary of State for Justice and Lord Chancellor
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7 November 2008

Ref: Convicted prisoners and the franchise; the UK Government's response to ECtHR Grand Chamber judgment finding breach of human rights in the case of Hirst v UK delivered on 6 October 2005.

It has now been three years since the above judgment was delivered.

The original judgment was in March 2004, when the European Court of Human Rights ruled unanimously that the UK Government's blanket ban on sentenced prisoners voting was in violation of Protocol 1, Article 3 of the European Convention on Human Rights.

On 2 February 2006, the Secretary of State for Constitutional Affairs announced the preparation of a stage one [of two] consultation document, available it was hoped in a "few weeks time". This few weeks stretched into more than ten months, with the consultation finally being published on 14 December 2006. A Response paper was timetabled to be published in June 2007 together with the stage two consultation paper. UNLOCK and the Prison Reform Trust regret to note that neither the Response paper, nor the stage two paper has been published.

Despite criticism of the disproportionate time proposed for the consultation from The Joint Committee on Human Rights, and questions raised on numerous occasions in both Houses in pursuance of the matter, the Government has merely given the stock response of "...still considering how to take forward the implementation of the Hirst judgment". More recently it has sought to realign the consultation to form part of a wider citizenship debate following the launch of the Governance of Britain Green

Paper and the publication of the Goldsmith review, which we suggest amounts to nothing more than a delaying tactic.

We consider that your failure to act beyond the publication of the first consultation paper amounts to undue delay and propose to take action accordingly.

We note that under the principle of subsidiarity of the Human Rights Act, Convention system, it is for the UK Government, in the first instance, to choose the means by which it complies with the Court judgment. However we also note that its discretion as to the precise means by which the law is amended is not unlimited. Indeed as Contracting State, the Government has specific obligations: 1) to put an end to the breach; 2) to prevent further violations in the future; and two further obligations of reparation and just satisfaction.

Undue delay on the Government's part can be seen to represent a failure to meet obligations 1) and 2). The breach has not ceased and future violation is therefore not prevented and is moreover increasingly likely given the proximity of the next general election.

We look forward to your early response.

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