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Prisoners granted the right to vote

By RICHARD FORD, HOME CORRESPONDENT

A EUROPEAN court ruling yesterday that the blanket ban on convicted prisoners voting in British elections breached their human rights has prompted the Government to look again at the law.

Ministers plan to deal with the ruling by introducing a system under which prisoners would be allowed to vote by category.

Thousands of prisoners convicted of less serious offences will be allowed to vote in general and local government elections. But killers and rapists will remain barred.



As Conservatives said at their conference that allowing convicted prisoners the right to vote was "ludicrous", Lord Falconer of Thoroton, QC, insisted that the ruling would not result in every convicted prisoner being able to vote.

Lord Falconer, the Lord Chancellor, said: "I can make it absolutely clear that in relation to convicted prisoners, the result of this is not that every convicted prisoner is in the future going to get the right to vote."

He told *The World at One* on BBC Radio 4: "We need to look and see whether there are any categories that should be given the right to vote."

The practicalities of allowing some convicted prisoners to vote have to be worked out, but prisoners could vote either in the constituency where they are held, or, as seems more likely, where they used to live.

Allowing them to vote where they are held could affect the result in some constituencies. On the Isle of Sheppey there are three prisons, with 2,224 inmates, and Derek Wyatt, the Labour MP, has a majority of 79.

The three jails on the Isle of Wight have 1,618 offenders and the MP's majority is 2,826.

The ruling by the European Court of Human Rights follows a long

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legal campaign by John Hirst, 54, a convicted killer now released on licence, to overturn the 135-year ban on convicted inmates being allowed to vote. Remand inmates are allowed to vote.

Mr Hirst said his fight had been about breaking the link between crime and the right to take part in the democratic process.

He said: "The human rights court has agreed with me that the Government's position is wrong — it doesn't matter how heinous the crime, everyone is entitled to have the basic human right to vote."

When his request to vote while in jail was turned down, Mr Hirst, who was a life-sentence inmate at Rye Hill prison in Warwickshire, took his case to the High Court. He lost, but then took the case to the European Court of Human Rights, which backed him and awarded him £8,000 in costs and expenses.

The Government appealed to the 17-judge "Grand Chamber" of the Strasbourg court which yesterday backed him 12-5. It awarded him a further £16,000 in costs but ruled against giving him damages.

The judges said his human rights had been breached by the Government because the Representation of the People Act 1983 is a blanket ban and does not allow convicts to take part in parliamentary and local elections.

The Convention on Human Rights, to which Britain is a signatory, guarantees the "right to free elections" — and that applies equally to prisoners, the judges said.

There had been no substantive debates by Parliament on the continued justification for barring convicted prisoners from voting in the light of modern penal policy and current human rights standards, the judgment said.

Mr Hirst pleaded guilty in February 1980 to a charge of manslaughter on the ground of diminished responsibility for killing his landlady, Bronia Burton, with an axe. He was released on licence last November.

INMATES' PRIVILEGES

- Each prisoner must be provided with a separate bed and bedding that is adequate for warmth and health
- A library must be provided in each prison
- Sentenced prisoners are entitled to send a minimum of one letter a week and to have a minimum of two visits every four weeks
- A prisoner is entitled to a period of fresh air (weather permitting) once a day
- A prisoner's hair shall not be cut without consent
- Prisoners attending hearings for disciplinary offences have a right to legal representation
- Prisoners leaving jail are entitled to a grant: £46.75 for those over 25, £37 for those of 18 - 24 and £94.40 for those of no fixed abode. The sums, set in 1995, have been under government review for three years but have not been changed

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