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**HM Chief Inspector of Prisons
NICK HARDWICK CBE**

Date: 13 June 2013

The Joint Committee on the Draft Voting Eligibility (Prisoners) Bill
House of Lords
Committee Office
London
SW1A 0PW

Dear Sian Woodward and Christopher Johnson

Call for evidence on the Draft Voting Eligibility (Prisoners) Bill

I am responding to your call for evidence to support the conduct of your pre-legislative scrutiny of the draft Voting Eligibility (Prisoners) Bill and have set out a number of brief observations.

Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952 as amended by section 57 of the Criminal Justice Act 1982. HMI Prisons has a statutory duty to report on conditions for and treatment of those in prisons, young offender institutions (YOIs) and immigration detention facilities. HMI Prisons also inspects court custody, police custody and customs custody (jointly with HM Inspectorate of Constabulary), and secure training centres (with Ofsted).

HMI Prisons is one of the organisations that deliver the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture. OPCAT requires state parties to establish an independent National Preventative Mechanism (NPM) to inspect of all place of detention. Article 19 (c) of the Protocol sets out the NPM's powers to submit proposals concerning existing or draft legislation.

Prisoners only very rarely raise the right to vote with me or my inspectors during inspections. That is of some concern in itself and there is something to be said for the argument that an acceptance of civic obligations which include the responsibility to vote is something that should be encouraged as part of a prison's work to try and ensure prisoners leave custody less likely to offend than when they entered. As part

of the inspection process we will check to ensure that remand prisoners, who are able to vote, are facilitated to do so.

However, it seems to me that the most important issue in this controversy is that the UK, having placed itself under the jurisdiction of the European Court of Human Rights, cannot pick and choose which of its judgements it accepts. I have no view on the first two options set out in the draft Bill. I understand the judgement allows considerable latitude in how it should be met but it appears that option C would not be compatible with it.

In my view, it would be perverse if the institutions charged with the punishment of those who have decided not to abide by the law were themselves deliberately to operate in contravention of a court judgement. In plain terms, it would set a very bad example. Furthermore, my Inspectorate has been part of a welcome initiative by the Foreign and Commonwealth Office to promote the UK prison inspection model, its focus on human rights and the value of accepting the obligations that arise from being a party to OPCAT to other states, particularly where there is a UK national interest in that state's adherence to human rights standards. I am very clear that our credibility in this regard would be damaged if the UK chose to be in contravention of the ECHR judgement on prisoner voting.

I hope these observations are of assistance to the Committee

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Hardwick', with a large, stylized flourish at the end.

NICK HARDWICK