



Submission to the Joint Committee on the Draft Voting Eligibility (Prisoners) Bill

I. Introduction

1. This is a joint submission from the Catholic Bishops' Conference of England and Wales Department for Christian Responsibility and Citizenship and CSAN (Caritas Social Action Network), the domestic social action agency of the Bishops' Conference.
2. Many of the arguments made in this document restate those that were made in the 2004 Bishops' Conference report '*A Place of Redemption*'.
3. Our practical involvement with individuals in the prison system (pre and post release) has been central to the writing of this submission. There are approximately 220 Catholic Chaplains currently working in prisons throughout England and Wales, and numerous charities linked to the Church providing services including visitor centres, first night in custody support, assistance for the families of prisoners and community support for ex-prisoners. A large number of parishes also run visiting programmes through which parishioners volunteer their time to regularly meet with prisoners.
4. This submission only addresses the specific proposals outlined in the Voting Eligibility (Prisoners) Draft Bill and is not intended to represent a complete account of the Church's position on matters of criminal justice. The Church's stance on other important areas of the criminal justice system has been outlined in detail in '*A Place of Redemption*' and in our responses to recent government papers, such as: '*Getting it Right for Victims and Witnesses*', '*Effective Community Sentences*' and '*Transforming Rehabilitation*'. These documents explore the following, and other, areas: the provision of appropriate support for victims, the integration of restorative justice into our penal system, and the role of effective probation services. Similarly our position on specific issues, such as the accessibility of legal support and the use of fines in judicial sentences, has been reflected in our work relating to recent legislation, including the Legal Aid Sentencing and Punishment of Offenders Act (2012) and the Crime and Courts Act (2013).

5. The Church recognises that we have a duty to look after and help the victims of crime, but we also recognise that the humane and compassionate treatment of those within our prisons is fundamental to both protecting human dignity and furthering the common good of our society.

II. Executive Summary

6. Debates about criminal justice, and particularly prisoner suffrage, are often marked by exaggeration and prejudice, and conducted in highly emotive terms. However, a reasoned and sober debate is essential if we truly hope to achieve appropriate and just legislation. This submission offers a moral and spiritual response to the Voting Eligibility (Prisoners) Draft Bill, as well as an analysis drawn from empirical, political, and jurisprudential experience.
7. This submission is divided into four sections:

- a. *Christian Teaching:*

All human persons, including convicted criminals, have an inalienable and irreducible status (human dignity), which is not at the disposal of the State and in which all rights and obligations are ultimately grounded. However human dignity, justice, and mercy are undermined by the blanket ban that prevents prisoners from voting. It is our view, therefore, that the blanket ban is, as a matter of principle, unjust, illogical, and morally wrong.

- b. *The Purpose of Punishment/Imprisonment:*

Prisoners do not cease to be UK citizens whilst in prison. The philosophical concept of 'civic death' has been rightly abandoned and therefore it cannot be used to justify the disenfranchisement of prisoners.

The generally accepted purposes of punishment are: retribution, incapacitation, deterrence, and reform and rehabilitation. The primary aim of punishment is the reduction of crime, the preservation of public order, and public safety. These aims are more likely to be achieved if prisoners are offered help to rehabilitate and change their behaviour; indeed, it is now generally accepted that purely retributive systems do not work². Disenfranchising prisoners does not further the aims of punishment; however giving prisoners the vote might.

c. Political Implications:

We stand to suffer as a nation, both at home and abroad, if we do not change our domestic legislation. The disenfranchisement of prisoners undermines the democratic legitimacy of Parliament, marks the beginning of a political underclass, reinforces the negative public perception of prisoners and thus hinders resettlement, weakens the European Convention on Human Rights ('the Convention'), and weakens the authority of the UK when commenting upon human rights violations in other countries.

d. Legal Implications:

When a person enters prison it is only his liberty that is restricted, therefore a restriction of any of his other rights (including the right to vote) must be independently justified. Removal of the right to vote by virtue of imprisonment alone is disproportionate and cannot be justified.

A decision to flout the judgment of the European Court of Human Rights ('ECHR') will undermine the Rule of Law, it will set a bad example to other countries, and it may cause the UK to lose the respect of other parties to the Convention. Refusing to grant prisoners the vote may also result huge financial repercussions.

8. This is not a call for Government to be soft on crime; those who commit crimes are rightly punished and that punishment is a restriction on their liberty. Further restrictions on a prisoner's rights however, such as the removal of the right to vote, must be independently and adequately justified. The blanket ban has not been, and cannot be, justified³.
9. The UK government has been granted a wide margin of appreciation; it therefore can change the law in any number of ways. Limited reform of the law is far from ideal; however a decision to openly flout the judgment of the ECtHR will detrimentally impact upon more than our prisoners and our crime rates. We therefore urge this committee to recommend that the blanket ban should be lifted.

III. Christian Teaching

10. The 2004 Bishops' Conference document '*A Place of Redemption*' drew attention to the Church's teaching on the innate dignity and worth of every person, and to Pope John Paul

It's statement that failing to promote the interests of prisoners would “*make imprisonment a mere act of vengeance on the part of society*”⁴. Forgiveness and compassion are more important than retribution both practically and morally⁵.

11. The innate dignity and worth of each person is not negotiable. Every individual is created *imago Dei* (in the image of God) therefore the human person is the clearest reflection of God that we have. The *imago Dei* is not simply restricted to the soul but also includes the body. The whole person therefore has a right to integrity and society has responsibility for the physical and psychological, as well as the spiritual welfare, of prisoners.
12. The concept of human dignity is not confined to the religious sphere; it is a multi-disciplinary concept that has an influence on various areas of thought. One notable use can be found in the context of the ECHR where human dignity has been adopted as one of its founding principles. This understanding of dignity was adopted by the UK when it signed up to the convention.
13. Prisoners, like everyone else, possess human dignity. People can act in an undignified manner but the innate dignity of a person can never be removed and should always be respected. If the UK ignores the decision of the ECtHR in relation to prisoners, the dignity of prisoners will be undermined because prisoners will continue to be treated as lesser beings.

IV. The Purpose of Punishment/Imprisonment

14. The most cited justifications for imprisonment are⁶:
 - a. To exact retribution;
 - b. To remove criminals from society and restrain them from committing further offences (Incapacitation);
 - c. To deter others from committing the same crime (Deterrence);
 - d. Reform and Rehabilitation.

however it should be noted that the final three justifications share a common purpose/aim: stopping crime, maintaining public order, and thus keeping society safe.

15. Historically the disenfranchisement of prisoners is rooted in the philosophical concept of ‘civic death’ (the notion that sentenced prisoners face a form of internal civic exile which involves the withdrawal of citizenship rights). This notion was rightly abandoned and it has long been recognised that prisoners remain citizens; they have the same rights and duties as

other citizens, and they continue to pay taxes and remain subject to the same laws as those at liberty. Juliet Lyon, director of the Prison Reform Trust, said: *“People are sent to prison to lose their liberty, not their identity. A 19th-century penalty of civic death makes no sense in a 21st-century prison system whose focus is on rehabilitation, resettlement and the prevention of re-offending”*. Therefore the disenfranchisement of prisoners can no longer be justified on this ground.

16. Individuals are free moral agents who must take responsibility for their actions; consequently anyone who commits a crime deserves to be punished. The degree and character of the punishment, however, should reflect the seriousness of the offence. Indeed it is an axiom of our law that the punishment should fit the crime and justice demands this level of equality. Punishment therefore is immoral and unjust if it is indiscriminate and automatic (irrespective of the length of sentence and irrespective of the nature or gravity of their offence and their individual circumstances), and the blanket disenfranchisement of prisoners has been held to be both by the ECtHR⁷. The blanket ban is disproportionate and falls outside the wide margin of appreciation that was given to the UK⁸.
17. A prison system that promotes only one of the purposes of punishment is unlikely to achieve the aim of imprisonment (stopping crime, maintaining public order, and thus keeping society safe). Indeed it is generally accepted entirely retributive prison systems are ineffective⁹ and that the other purposes of punishment (particularly rehabilitation) also need to be pursued. However a penal policy depriving all prisoners of the right to vote is primarily punitive; the blanket ban merely satisfies the public demand for retribution and does not achieve the object of maintaining public order and enhancing public safety by the cutting of crime. The blanket ban cannot be justified on the ground that it pursues the aim of punishment.
18. Certainly, there is no evidence base to suggest that the current blanket ban aids any of the purposes or justifications for punishment and imprisonment. Three separate Freedom of Information requests were made to the Ministry of Justice, the Cabinet Office, and the Department for Communities and Local Government, after which it transpired that no assessment had been made, and no evidence base had been developed, for the current policy that deprives all prisoners of the vote¹⁰. None of these bodies were able to produce evidence to prove that the current disenfranchisement of prisoners furthers any aim of punishment whatsoever.
19. The most important and effective of the four justifications for achieving the aim of punishment (stopping crime, maintaining public order, and thus keeping society safe) is that of reform and rehabilitation. If we reform and rehabilitate our prisoners we will break the cycle of reoffending¹¹ and as a result society will be safer and public order will be maintained.

Giving prisoners the vote rather than taking it away may go some way towards reforming and rehabilitating our prisoners if it is done in a way that re-forges a prisoner's link to, and regard for, society. PACT (The Prison Advice and Care Trust) recognised this when it said, *"When somebody goes to prison they do not cease to be a human being or a citizen. Maintaining the right to vote is a key aspect of this and reinforces that whilst somebody's liberty is deprived for a period of time, they still have a stake in society. We should be aiming to help prisoners become good citizens, rather than going down the path of institutionalisation and exclusion from their communities"*.

20. We know that there are strong links between social exclusion and crime: prisoners are often the most vulnerable members of society, and in an overwhelming number of cases prisoners have fractured relationships with the communities in which they live, for example:
 - a. Over 50% of the women in prison have been subjected to domestic violence at some point in their lives and 33% have suffered from sexual abuse¹²;
 - b. After release men are 8 times more likely and women are 36 times more likely than the average person to take their own lives¹³;
 - c. 71% of the youths in custody have been involved with, or in the care of, social services at some point before entering custody¹⁴;
 - d. 20-30% of adults in prison have learning difficulties¹⁵;
 - e. A vast number of prisoners have mental health problems¹⁶; 72% of male and 70% of female sentenced prisoners suffer from two or more mental health disorders¹⁷.

Depriving such people of their right to vote only exacerbates the problem by furthering the divide between prisoners and the rest of society. If we truly wish to cut crime then we must not turn our backs on prisoners and forget about them; instead we should put them on the path to reform by showing them that they have a continuing stake in, and duty towards, the community into which they will return. We should encourage our prisoners to play a positive role in shaping their own futures by showing them that it is possible for them to better themselves and improve their situations by becoming authors of their own transformation. Restoring the vote would renegotiate the balance between the rights of society and the rights of the individual, and it could show prisoners that there are ways to better oneself that do not involve committing further offences.

21. It is also important that Parliament and the Government consider and tackle the difficulties faced by prisoners, such as unemployment, homelessness on release, the increasing rates of suicide, and widespread drug use. This is vital because prisoners who have problems with employment and accommodation on release have a reoffending rate of 74%¹⁸, often as a result of having nowhere to turn other than back to crime. If the vote is restored to prisoners then politicians will have more of an incentive to listen to the grievances of our prisoners, and this could result in a better, fairer, and safer society for all.
22. In 2010 David Cameron underscored the capacity that suffrage has to address the challenges and difficulties that citizens face when he said: *“People should want to vote because this is your democracy, this is your politics, this is your House of Commons. If people don’t like it, if you’re not happy with your Member of Parliament, if you want to get involved, the best way is to vote. So I would say whatever your view, whatever party you support, or if it is no party, the best thing to do is to get involved and make your voice heard.”*¹⁹. Prisoners are also part of this democracy and the House of Commons represents the interests of all citizens including the interests of our prisoners.
23. The current ban, despite assertions to the contrary, does not enhance public safety, it does not reduce crime, it does not provoke reform, and it is not part of an effective deterrent. The ban only serves to provide another bar to rehabilitation and further alienate prisoners from the communities into which they will be released. Public safety will be enhanced and prisoners will be less inclined to reoffend if they have a vested interest in the society into which they will return, and any interest in society will be strengthened if we help prisoners to become involved in and interested in their communities through politics. It would also help to prepare prisoners for resettlement. The ban achieves nothing whereas lifting the ban could potentially achieve something. In short, the ban is illogical.

V. Political Implications

Political Implications At Home:

24. Any departure from the principle of universal suffrage risks undermining the democratic legitimacy of Parliament and the laws it promulgates. Disenfranchisement is a severe measure that has been wrongly resorted to on numerous occasions throughout history for reasons that have since been found wanting. There are currently over 80,000 people in our prisons meaning a large number of our population are without a political voice. These are people that we should be reaching out to and listening to if we are serious about reducing crime and improving societal conditions; however politicians are not encouraged to seek the

views of this part of our community. They are left voiceless and isolated during the period of their lives in which they are most vulnerable.

25. If tolerance and broadmindedness are the acknowledged hallmarks of democratic society, then there is no room for automatic disenfranchisement based purely on what might offend public opinion²⁰. This blanket and automatic disenfranchisement marks the beginning of a political underclass and such a thing should not be tolerated in any democratic society.
26. What is more, if the UK refuses to give prisoners the vote, the negative public perception of prisoners will only be strengthened. This will hinder the resettlement of prisoners, who already face challenges in terms of employment etc. We should encourage our communities to have healthy relationships with all their inhabitants, and this includes ex-prisoners, if we want a healthier and crime free society.

Political Implications Abroad:

27. If the UK decides to ignore the decision of the European Court of Human Rights ('ECtHR') then other States, particularly those with questionable human rights records, may be tempted to follow suit. This would result in a weakening of both the European Convention on Human Rights ('the Convention') and the authority of the ECtHR. The UK would also lose authority when criticising the human rights violations occurring in other states.

VI. Legal Implications

The Rule of Law:

28. The UK signed up to the Convention and when it did so it agreed secure to everyone within the UK's jurisdiction the rights and freedoms defined therein, and to comply with all the judgments of the ECtHR. What is more, in April 2012 the UK reaffirmed its commitment to the Convention, the fulfillment of the obligations under the Convention, and the commitment to secure to everyone within its jurisdiction the Convention rights and freedoms. The UK is therefore obliged to obey judgments of the ECtHR, and that includes judgments that the Government does not like, as well as those that it does. Parliament is still sovereign; however any refusal to comply with international obligations to amend domestic legislation will breach the Rule of Law unless the UK withdraws from the Convention. The Rule of Law should not be broken and the UK should not withdraw from the Convention over this issue, particularly given the fact that the blanket ban does not further any of the aims of punishment.

29. The judgment may be unpopular, but it is the task of the Convention and the ECtHR to protect the rights of the ostracised, unpopular, and unprivileged. It is important that the voice of the majority is listened to, but it is equally important that the rights of the minority are protected. We should remain mindful of the fact that the Convention was created in the wake of horrendous human rights violations, often at the misguided will of the majority. Whilst this violation is not equivalent to those violations, it shows that the majority can sometimes be wrong and highlights the importance of having objective Courts unaffected by populist pressures.
30. The Rule of Law demands that we honour our international obligation to amend our domestic legislation, and the ECtHR gave the UK a wide margin of appreciation in order to give it flexibility in doing so.

Legal Implications At Home:

31. The right to vote is cemented in the Convention²¹ and the ECtHR has made it explicitly clear that having a vote is a right and not a privilege²². David Cameron himself recognised the importance of the vote and its status as a right in his 2010 election campaign when he said, “*voting is a right and ... in many ways it’s an obligation and we ought to do it*”²³. Contracting States are therefore under a positive obligation to secure this right to their citizens²⁴ and any limitation on that right must be proportionate and justified.
32. When a person is given a custodial sentence he or she rightly continues to enjoy all the fundamental rights and freedoms guaranteed under the Convention, save for his or her right to liberty, which is lawfully restricted²⁵. It is right that this is so because prisoners remain UK citizens whilst they are in prison and thus remain subject to societal laws. For example, a prisoner who commits a further offence whilst in prison will be investigated and punished in the same way as a first time offender.
33. Sometimes further restrictions necessarily flow from the circumstances of imprisonment in order to further prison security and prevent crime and disorder; however any further restriction must be justified. Any restriction that cannot be adequately justified, or any disproportionate restriction on a prisoner’s rights, is unlawful.
34. The ECtHR has ruled that the blanket ban preventing all prisoners from voting is neither proportionate nor adequately justified²⁶. Prisoner disenfranchisement does not further the aims of punishment (see paragraphs 17-23), in fact it potentially runs contrary to them, and stripping a large section of the population of the vote automatically, irrespective of the length

of sentence or gravity of the offence committed, is arbitrary. It is also anomalous because a prisoner serving a short sentence may lose his vote purely because his sentence falls over the election period, whereas another prisoner with the same sentence may be able to vote because his sentence started a few months, weeks, or days earlier; a prisoner serving a long three year sentence may be able to vote if his release coincides with the election period, whereas a prisoner serving a week may lose his right if that week is over the election period. Legal theory thus dictates that the blanket ban must be lifted.

35. Giving prisoners the vote cannot truthfully be opposed on the ground that would be practically impossible because some prisoners are already able to vote (remand prisoners, un-convicted prisoners, and civil prisoners can vote if they are on the electoral register) ²⁷. Neither can it be genuinely argued that giving prisoners the vote would distort election results in constituencies that house prisons, because a postal voting system based on the offenders' home constituencies would ensure that a true representation of opinion is exhibited in every election.
36. Ignoring the judgment of the ECtHR, on the other hand, is likely to result in huge financial implications for the UK. When the most recent case of *Scoppola v Italy*²⁸ was brought to the ECtHR, the 3,000 claims filed by prisoners seeking compensation were suspended. There is a chance that the ECtHR could award each of these prisoners at least £1,000²⁹ in damages for the denial of their right. There is even a danger that other prisoners will be encouraged to bring claims of their own. Flouting the judgment may therefore result in enormous financial implications for the UK estimated at £143million³⁰.

Legal Implications Abroad:

37. The UK has been praised for its rich and positive relationship with Strasbourg³¹; it has contributed greatly to the system and has violated the Convention in only a small minority of cases. We should therefore be holding the UK out as an example to the other 46 Contracting States, some of whom have a history of persistent human right violations.
38. If the UK refuses to abide by the final judgment of the ECtHR it may lose the respect of some of its fellow Contracting States and potentially damage the authority and legitimacy of the ECtHR and Convention in some other States. Some Contracting States with questionable human rights records may use the UK's resistance as an excuse to ignore the violations occurring in their own territories and similarly refuse to implement judgments made against them.

39. The UK is a powerful and wealthy country with a good human rights record. It therefore has a moral duty to provide a good example to the other countries across Europe and to the rest of the world. It should stand proud as a pioneer of liberal democracy with the other 40 Contracting States that allow prisoners to vote, rather than hiding behind the only other six States (Armenia, Bulgaria, Estonia, Georgia, Hungary, and Russia)³² that also have blanket bans on prisoner voting.
40. As the Pope said in his Westminster Hall speech, *“This country’s Parliamentary tradition owes much to the national instinct for moderation, to the desire to achieve a genuine balance between the legitimate claims of government and the rights of those subject to it. While decisive steps have been taken at several points in your history to place limits on the exercise of power, the nation’s political institutions have been able to evolve with a remarkable degree of stability. In the process, Britain has emerged as a pluralist democracy which places great value on freedom of speech, freedom of political affiliation and respect for the Rule of Law, with a strong sense of the individual’s rights and duties, and of the equality of all citizens before the law. While couched in different language, Catholic social teaching has much in common with this approach, in its overriding concern to safeguard the unique dignity of every human person, created in the image and likeness of God, and in its emphasis on the duty of civil authority to foster the common good.”*³³

VII. Conclusion

41. This is not a call for Government to be soft on crime; those who commit crimes are rightly punished and that punishment is a restriction on their liberty. Further restrictions on a prisoner’s rights however, such as the removal of the right to vote, must be independently and adequately justified. The blanket ban has not been, and cannot be, justified³⁴.
42. The UK government has been granted a wide margin of appreciation; it therefore can change the law in any number of ways. Limited reform of the law is far from ideal; however a decision to openly flout the judgment of the ECtHR will detrimentally impact upon more than our prisoners and our crime rates. We therefore urge this committee to recommend that the blanket ban should be lifted.

¹ <http://www.catholicnews.org.uk/a-place-of-redemption-2004>

² The Ministry of Justice, *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* December 2010 – The MoJ recognised that punishment alone was not enough to protect the public. In order to break the destructive cycle of reoffending, the MoJ stated that there also needed to be a focus on rehabilitation.

David Cameron, 22nd October 2012, “Just being tough isn’t a successful strategy in itself. Come with me to any prison in this country. There you’ll meet muggers, robbers, and burglars. But you’ll also meet young people who can’t read, teenagers addicted to drugs, people who’ve never worked a day in their whole lives. These people need help so they can become part of the solution and not remain part of the problem. Recognising this isn’t soft, or liberal. It’s common sense. We’ll never create a safer society unless we give people, especially young people, opportunities and chances away from crime. Prevention is the cheapest and most effective way to deal with crime – everything else is simply picking up the pieces of failure that has gone before. That’s part of what I mean by being intelligent as well as tough....The only way to achieve our ambitions is reform – radical, intelligent reform. So much of what went wrong in public services previously wasn’t because the money was missing, it was because the methods were wrong.”

- 3 *Hirst v The United Kingdom (No. 2)* (Application no. 74025/01)
- 4 John Paul II, *Jubilee Year Statement on Prisons*, page 5.
- 5 *Dives in Misericordia* page 4, and *A Place of Redemption* page 34.
- 6 These were cited in the House of Commons Library Research Paper 12/71 22nd November 2012, ‘*Reducing Offending: The “What Works” Debate*’. They were cited in the Irish Penal Reform Trust Annual Lecture 16th September 2011 – Department of Justice and Equality <http://www.justice.ie/en/JELR/Pages/SP11000177> and have been cited in many other jurisdictions outside the UK.
- 7 *Hirst v The United Kingdom (No. 2)* (Application no. 74025/01), para 82
- 8 *Ibid.*
- 9 See footnote 1
- 10 MoJ Response to FOI request from CSAN/CBCEW 12 January 2013; DCLG Response to FOI request from CSAN/CBCEW 15 January 2013; Cabinet Office Response to FOI request from CSAN/CBCEW 21 February 2013
- 11 57% of all adults are reconvicted within one year of release, this rises to 57% for those who have served less than twelve months, and 67% for those who have served 11 or more previous custodial sentences. Almost 70% of all under 18 year olds are reconvicted within one year of release. If these individuals are reformed it stands to reason that the number of crimes committed will fall. Also see footnote 1.
- 12 Prison Reform Trust, ‘*Bromley Briefings Prison Factfile*’ June 2012.
- 13 *Ibid*
- 14 *Ibid*
- 15 *Ibid*
- 16 A few statistics:
 - 10% of men and 30% of women have had a previous psychiatric admission before entered prison [*Department of Health, Conference Report, Sharing Good Practice in Prison Health, 4/5 June 2007*].
 - 40% of male and 63% of female sentenced prisoners have a neurotic disorder, over three times the level in the general population. 62% of male and 57% of female sentenced prisoners have a personality disorder [*Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice*].
 - At any one time 10% of the prison population has “serious mental health problems” [*Michael Spurr, Chief Operating Officer of the National Offender Management Service, speaking on the Today Programme, 2 September 2008*].
 - 7% of male and 14% of female sentenced prisoners have a psychotic disorder; 14 and 23 times the level in the general population [*Singleton et al (1998) Psychiatric Morbidity among Prisoners in England and Wales, London: Office for National Statistics*].
 - Of those screened at an establishment for women, 51% had severe and enduring mental illness, 47% a major depressive disorder, 6% any psychosis and 3% schizophrenia [*The Offender Health Research*]

Network (2009) A National Evaluation of Prison Mental Health In-Reach Services, Manchester: University of Manchester].

- Women in prison are twice as likely to have an eating disorder as women in the general population [Devitt, K., Knighton, L., and Lowe, K. (2009) *Young Adults Today. Key data on 16-25 year-olds, transitions, disadvantage and crime*, London: Young People in Focus].
- In an assessment of 13-18 year-olds in custody, 35% of girls and 13% of boys were identified with depression, 17% and 7% respectively deliberately harmed themselves, and 16% and 7% respectively were identified with post-traumatic stress disorder [Harrington, R., and Bailey, S. (2005) *Mental health needs and effectiveness provision for young offenders in custody and in the community*. London: YJB].
- More than a quarter of women reported having been treated/ counselled for a mental health/ emotional problem in the year before custody, compared with 16% of men. [Ministry of Justice self-report study (2010)]
- A University of Oxford report on the health of 500 women prisoners, showed that women in custody are five times more likely to have a mental health concern than women in the general population, with “78% exhibiting some level of psychological disturbance when measured on reception to prison, compared with a figure of 15% for the general adult female population”.

¹⁷ *Current issues in Penal Policy*, Paul Cavadino, Chief Executive, Nacro, March 2004.

¹⁸ Bromley Briefing Prison Fact, June 2012 (Prison Reform Trust).

¹⁹ 2010 election campaign

²⁰ *Hirst v The United Kingdom (No. 2)* (Application no. 74025/01), para 70

²¹ Article 3 of Protocol No. 1

²² *Ibid*

²³ 2010 election campaign (<http://video.uk.msn.com/watch/video/david-cameron-on-why-you-should-vote/2tc7oh2k>)

²⁴ *Ibid*

²⁵ *Hirst v The United Kingdom (No. 2)* (Application no. 74025/01), “...prisoners in general continue to enjoy all the fundamental rights and freedoms guaranteed under the Convention save for the right to liberty, where lawfully imposed detention expressly falls within the scope of Article 5 of the Convention. For example, prisoners may not be ill-treated, subjected to inhuman or degrading punishment or conditions contrary to Article 3 of the Convention.”

²⁶ *Hirst v The United Kingdom (No. 2)* (Application no. 74025/01); *Scoppola v Italy (No. 3)* (Application no. 126/05)

²⁷ <http://www.electoralcommission.org.uk/faq/voting-and-registration/who-is-eligible-to-vote-at-a-general-election>

²⁸ *Scoppola v Italy (No. 3)* (Application no. 126/05)

²⁹ <http://ukhumanrightsblog.com/2012/11/22/a-1000-prisoner-vote-signing-on-bonus/>

³⁰ www.parliament.uk/briefing-papers/SN01764.pdf

‘Cameron is clear to defy Europe on human rights’, *The Times*, 18 February 2011, published details of a leaked document providing legal advice to the Government on the consequences if the UK does not comply with the ruling of the European Court: The leaked document...issues blunt warnings to ministers of the huge damage to Britain’s international standing if they ignore the Strasbourg court:

In the submission, dated February 9, government lawyers estimate that in a ‘worst-case scenario’, 70,000 to 80,000 prisoners at any given time could claim compensation estimated at up to £143 million. But the document goes on to confirm that the Strasbourg court has no legal powers to force the Government to pay compensation for denying prisoners their human rights

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- ³¹ Judge Bratza, former president of the ECtHR, “*The United Kingdom's contribution to the European Convention on Human Rights has been immense. British parliamentarians and lawyers played a key role in its conception and its drafting. British lawyers and, since the entry into force of the Human Rights Act, British courts have exerted a major influence on the way in which the convention evolves. This judicial dialogue is a key element in the proper operation of the convention, in which the role of national courts is critical.*” – an article in ‘The Independent’ (<http://www.independent.co.uk/voices/commentators/nicolas-bratza-britain-should-be-defending-european-justice-not-attacking-it-6293689.html>).
- ³² One of which had the record for the second largest number of human rights violations in 2011.
- ³³ 17/09/2010 (<http://www.thepapalvisit.org.uk/Replay-the-Visit/Speeches/Speeches-17-September/Pope-Benedict-s-address-to-Politicians-Diplomats-Academics-and-Business-Leaders>)
- ³⁴ *Hirst v The United Kingdom (No. 2)* (Application no. 74025/01)