



Joint Committee on Human Rights

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From Dr Hywel Francis MP, Chair

The Rt Hon Theresa May MP,
Secretary of State for the Home Office,
Home Office,
2 Marsham Street,
London, SW1P 4DF

The Rt Hon Chris Grayling MP
Secretary of State for Justice
Ministry of Justice
102 Petty France
London SW1H 9AJ

Tuesday 15 January 2013

Dear Theresa and Chris,

EU police and criminal justice opt-out

Further to the Home Secretary's letter dated 7 November 2012 and your joint letter dated 14 December 2012 to the Chairs of the European Scrutiny, Home Affairs and Justice Committees, I am writing to ask again that my Committee be provided with the Government's assessment of the human rights impact of opting out of all pre-Lisbon Treaty police and criminal justice measures.

The Home Secretary's response to my initial request in October was that although a large amount of analysis of the measures had already at that stage been completed, she was unable to provide an assessment of the human rights impact of the decision because carrying out a proper assessment of around 130 pieces of EU law is a complex task which was still ongoing. In your joint letter to my fellow Committee Chairs, however, you both indicated that the Government will be providing five Explanatory Memoranda containing as much information as possible to enable those Committees to scrutinise fully this important issue.

Such Explanatory Memoranda would normally include the Government's analysis of compatibility with fundamental rights, and I would therefore ask for your joint assurance that these Explanatory Memoranda will include the Government's detailed assessment of the human rights impact of either opting out or opting back in to the relevant police and criminal justice measures. I would be grateful if that assessment would include the Government's assessment of any impact on the UK's positive obligations under international human rights treaties to protect the public from crime and to assist the victims of crime.

I look forward to being sent copies of the Memoranda.

I am copying this letter to Bill Cash MP (Chair, European Scrutiny Committee), the Rt Hon Keith Vaz MP (Chair, Home Affairs Committee) and the Rt Hon Sir Alan Beith MP (Chair, Justice Select Committee).

A handwritten signature in black ink, appearing to read "Yours Hywel". The word "Yours" is written in a cursive style above the name "Hywel", which is also in cursive and followed by a period.

Dr Hywel Francis
Chair