



## Joint Committee on Human Rights

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From Dr Hywel Francis MP, Chair

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

Tuesday 12 November 2013

*Dear Chris,*

### **Implementation of judgments of the European Court of Human Rights – *Vinter v UK***

Many thanks for your Department's detailed report, *Responding to human rights judgments 2012-13*. As you will be aware, the Joint Committee believes that Parliament has an important role to play in scrutinising the Government's response to court judgments about human rights, and your annual report on human rights judgments helps significantly to facilitate parliamentary involvement.

I am writing in relation to the Grand Chamber's judgment in *Vinter v UK* in July of this year. My Committee notes that the Government is considering how best to comply with the decision of the Grand Chamber, which held that the lack of any effective review mechanism in England and Wales of a prisoner's whole life order means that this order amounts to an "irreducible" sentence, which is in breach of the prohibition of inhuman or degrading treatment under Article 3 ECHR. The Committee would appreciate your answer to three questions.

First, the Grand Chamber's emphasis on the importance of rehabilitation is in keeping with the Government's own focus on rehabilitation, outlined in its *Transforming Rehabilitation* strategy. I would be grateful if you could outline what consideration, if any, has been given to implementing the judgment by way of amendment to the Offender Rehabilitation Bill which is currently before Parliament, to provide a dedicated judicial mechanism for review of whole life orders after 25 years with periodic review thereafter. The Bill makes changes to the sentencing and release framework in relation to offenders serving short sentences, and could provide an appropriate legislative vehicle for the Government to comply with the *Vinter* ruling.

Second, if the Government is not proposing to implement the judgment by amending the Offender Rehabilitation Bill, is it considering rectifying the incompatibility by using the urgent Remedial Order procedure, bearing in mind that there are currently some 51 whole life tariff prisoners, and the longer the Government delays implementation the more likely it is that some of those prisoners will commence proceedings challenging the lack of an opportunity for review of their whole life tariff.

Third and finally, I would be grateful if you could outline what consideration, if any, has been given to giving effect to the judgment in the interim by amending Chapter 12 of the Prison Service Order 4700 as suggested in paragraph 21 of Judge Mahoney's separate Concurring Opinion: that is, to provide that the Secretary of State, when exercising the power under the section 30 of the Crime (Sentences) Act 1997 to consider release of life prisoners in compelling and compassionate circumstances, may also consider the release of a prisoner subject to a whole life order in circumstances where his or her continued detention would amount to cruel, inhuman or degrading treatment, for example, if the continued detention could no longer be justified on legitimate penological grounds.

I would be grateful for a response by Wednesday, 27 November 2013.

*Yours*

*Hywel*



Dr Hywel Francis  
Chair