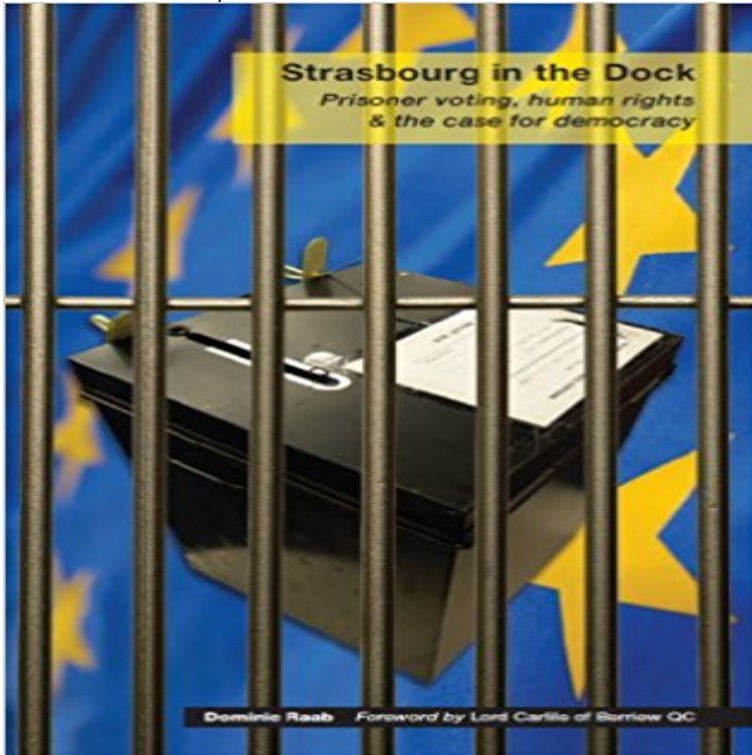


Strasbourg in the Dock: Prisoner Voting, Human Rights & the Case for Democracy



The ruling that convicted prisoners have the right to vote has put the European Court of Human Rights in Strasbourg at loggerheads with the UK Parliament and, hence, the will of the British people. This was reinforced in 2011 when backbenchers of all parties rejected enfranchising prisoners in a free vote. In this forensic examination, Dominic Raab, MP for Esher and Walton, explains how the infamous Hirst ruling undermines the express terms of the Convention agreed in 1950. Contracting states agreed that holding free elections was a human right, but reserved for nation states the right to decide who was eligible to vote. As a result, the Strasbourg Court is acting beyond its legitimate powers of interpretation. It is now making law too! Prisoner voting is just one of many areas where the European Court is engaging in judicial empire building. Its judges are usurping the role of legislators, and disrupting Britain's fine-tuned separation of powers crucial for maintaining the rule of law. Raab sets out how to deal with the human rights contagion. He proposes to enable the UK Supreme Court to overrule Strasbourg, allow the will of Parliament to supersede human rights claims, and enshrine the power of free votes to block adverse decisions. This will ensure that the democratic majority can check the will of unelected judges.

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