The Right to Hope. Life Imprisonment in the European Context

European Project 2014-2017

PROJECT SUMMARY
STARTING POINT

Case of Vinter and Others v. The United Kingdom

European Court of Human Right, Grand Chamber, July 9, 2013

Concurring Opinion, Judge Ann Power-Forde (Quote):

«However, what tipped the balance for me in voting with the majority was the Court's confirmation, in this judgment, that Article 3 encompasses what might be described as "the right to hope". It goes no further than that. The judgment recognizes, implicitly, that hope is an important and constitutive aspect of the human person. Those who commit the most abhorrent and egregious of acts and who inflict untold suffering upon others, nevertheless retain their fundamental humanity and carry within themselves the capacity to change. Long and deserved though their prison sentences may be, they retain the right to hope that, someday, they may have atoned for the wrongs which they have committed. They ought not to be deprived entirely of such hope. To deny them the experience of hope would be to deny a fundamental aspect of their humanity and to do that would be degrading». 

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THE PROJECT (IN SUMMARY)

1. The proposal addresses the following (rarely discussed) key issues, relevant for further progress of the EUROPE OF RIGHTS debate. Using MULTI-MODULAR APPROACH, best exploiting DIGITAL INSTRUMENTS, the proposal aims to create NEW AWARENESS of LIFE IMPRISONMENT (hereinafter: L.I.), building the first Life Imprisonment Database (Life Database).

2. Certainly, unlike the DEATH PENALTY, L.I. is in the background. For this and other reasons, the project team is made of competent ACADEMICS from different disciplines and countries, GUARANTEES of the Rights of Detainees, members of influential NGOs working with lifers and former PRISON DIRECTORS. Project’s results will be constantly uploaded in the official proposal WEBSITE (www.lifeimprisonment.eu) also to promote new JOINT VENTURES with other influential RESEARCH GROUPS and to create real OPEN EDUCATIONAL RESOURCES (OER).

3. The main impact will be on three aspects: a) a BACKGROUND FOR STUDENTS through Lesson and Seminar AUDIO-VIDEO RECORDS, an ON-LINE DISCUSSION FORUM and L.I. NEWSLETTERS (tools to help students’ first studies on these topics); b) the point of view of Law and Political Science Universities on L.I. thanks to AD HOC QUESTIONNAIRES; c) an idea for a “EUROPEAN REFLECTION DAY ON L.I.”, similar to the “World and European Day Against Death Penalty”. In fact, many of the EU arguments against the death penalty can be extended to L.I. (inhuman, not deterrent). Similarly, L.I. can be suggested as a topic for the Annual Meeting of MINISTERS OF JUSTICE of the EU member states or of the Annual Conference on the Fundamental Rights of the EU AGENCY FOR FUNDAMENTAL RIGHTS.
THE PROJECT (IN SUMMARY)

4. KEY ISSUES:

A1) L.I. and EU LAW:

• Is L.I. compatible with EU Law, involving inviolability of human dignity and prohibition of inhuman and degrading treatment?

• Is L.I. consistent with the respect of human dignity that is, according to the Court of Luxemburg, a general principle of EU law?

• Can L.I. be defined a proportionate penalty as provided for by Article 49 of the Charter of EU Fundamental Rights?

A2) L.I. and EUROPEAN ARREST WARRANT (EAW):

• In accordance to Article 5 of EAW, does the EU law consider L.I. to be overcome?

A3) L.I. and INTERNATIONAL LAW:

• The EU is committed to advance universal support to Statute of the International Criminal Court, whose Article 77 provides 30 years as maximum penalty (L.I. only for exceptional cases, admitting, under Article 110, sentence review after 25 years).
THE PROJECT (IN SUMMARY)

4. KEY ISSUES:

B1) L.I. and COUNCIL OF EUROPE:

- Once the EU accedes the European Convention of Human Rights, how should L.I. case laws of the Strasbourg Court be considered? These case laws are based on Article 3 of ECHR identical to Article 4 of the Charter of EU Fundamental Rights.

B2) L.I. and COMMON CONSTITUTIONAL TRADITIONS:

- Are there any European common constitutional traditions in the field of L.I.? Which offenses is it expected for? Is it mandatory or discretionary? How many lifers? How is release on parole governed? And pardon?
THE PROJECT (IN SUMMARY)

4. KEY ISSUES:

C) L.I. and EUROPEAN BEST PRACTICES:

- Whole continents have (almost) completely abolished L.I. Even the U.S. has lately mitigated L.I. In Europe? Portugal was the first country in the world to abolish L.I., which does not even exist in Cyprus, Croatia and two candidate states (Serbia, Montenegro). In Iceland (another candidate) L.I. exists but has never been sentenced. The max penalty in Norway is 21 years. Is there a general trend in Europe to reconsider L.I.?

D) L.I. and EUROPEAN CRIMINAL LAW:

- After the Lisbon Treaty, what space will L.I. in the European criminal law debate find, especially to distinguish, in a globalised world, our European criminal culture from others? How is the European issue of overcrowded prisons related to L.I.?

E) L.I. and MEDICAL STUDIES:

- The most recent medical studies have shown that our system of neurons is plastic and renews itself thanks to stem cells. Do these discoveries not prove that L.I., as indeterminate penalty, is also a non-scientific penalty?
THE RESEARCH TEAM

Davide Galliani, University of Milan, Italy (coordinator)
Andrea Pugiotto, University of Ferrara, Italy
Elisabetta Grande, University of Eastern Piedmont, Italy
Jose Esteves Pereira, Universidade Nova de Lisboa, Portugal
Franco Corleone, Rights’ Detainees Guarantee, Tuscany Region, Italy
Stale Olsen, Former Prison Director, Norway
Umberto Veronesi, Founder of Science for Peace, Italy
Sergio D’Elia, Founder of Hands Off Cain, Italy
Nadia Bizzotto, Prisons’ Office, Pope John XXII Community, Italy
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THE RESEARCH TEAM (newcomers)

Mario G. Losano, University of Eastern Piedmont, Italy

Francesca Bailo, University of Genoa, Italy

Gustavo Silveira Siqueira (e altri), Universidade do Estado do Rio de Janeiro, Brazil

Luis Lloredo Alix, Universidad Autonoma de Chile, Chile

Angela Della Bella, University of Milan, Italy

Davide Petrini, University of Eastern Piedmont, Italy

Maria Letizia Farina Coscioni, Former Deputy, Italy

Bruno Mellano, Right’s Detainees Guarantee, Piedmont Region

Encarnacion La Spina, University Aix-Marseille, France

Patricia Andre, Law School of New University of Lisbon, Portugal

Maria Brucale, Prisons’ Commission, Rome Lawyers Chamber, Italy
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ACTIVITIES (SOME EXAMPLES)

Fundamental Right (Jean Monnet Module) – Prof. Davide Galliani
  • Universitary Teaching from April to June of 2015 – Lessons Completely Audio-Video Recording – Case Law Experience from International Point of View (International Criminal Court, ICC; European Court of Human Rights, ECHR) – Comparative Method Analysis

Life Imprisonment and the European Right to Hope – Prof. Paulo Pinto de Albuquerque
  • Lectio by a Judge of the European Court of Human Rights – Discovering the European Right to Hope – Differences between European Law Culture and others – Overview of the Strasbourg Jurisprudence about Life Imprisonment

Life Daily News
  • Daily uploading of news about Life Imprisonment from national and international newspapers

Life Database
  • The first Life Imprisonment Database in the world
OFFICIAL WEBSITE

You can find out all about us – like Activities Quarterly Reports and Inner Life Working Group Reports. Complete law, sentences, books and papers on Life Imprisonment and others information:

www.lifeimprisonment.eu (daily updated)

According to ShinyStat™ the website has been visited by more than 5,000 people from January to May of 2015.
LAST BUT NOT LEAST

If you are interested in our activities, if you think you can contribute, do not hesitate, contact us:

davide.galliani@unimi.it
(Coordinator of the Project, University of Milan, Professor of Public Law, Jean Monnet Professor of Fundamental Rights, Constitutional Law PhD).

Thanks' so much.