

**EUROPEAN COURT OF HUMAN RIGHTS
CRIMINAL LAW GROUP**

in cooperation with Liverpool John Moores University, Department of Legal Studies of the University of Bologna and 'Beyond Detention' Interest Group

Webinar Training Series

Human Punishment: Life Imprisonment and the Right to Hope

Monday 22.03.2021

4.00 pm (Rome time)

The full programme of the event and registration are available on the [Event page](#).

Programme

Chair

- [Robert Spano](#) - President of the European Court of Human Rights

Introductory Remarks

- [Paolo Lobba](#) - Case Processing Lawyer at ECtHR and Adjunct Professor at the University of Bologna

Speakers

- [Dirk van Zyl Smit](#) - Emeritus Professor at the University of Nottingham

- [Ksenija Turković](#) - Vice President of the European Court of Human Rights

Discussant

- [Bernard Harcourt](#) - Professor at the Columbia Law School

Q/A

Description

According to the European Court of Human Rights, hope is an important and constitutive aspect for every person. Perpetrators of serious crimes still retain the right to hope that they may have atoned for the wrongs they have committed. Since its ruling in the seminal case of *Kafkaris v. Cyprus*, the Court has established a connection between hope and a prisoner's "prospect of release". In *Vinter v. the United Kingdom*, the Court decided that, as the relevant regime for life sentences did not entail a realistic prospect of release, that form of punishment qualified as inhuman and degrading under Article 3 of the Convention. This principle was upheld in *Hutchinson v. the United Kingdom*. Recently, in *Marcello Viola v. Italy (no. 2)*, the Court emphasised the importance of rehabilitation as a penological ground that justifies (or must justify?) detention.

Through the lens of the Court's case-law, speakers will explore key legal questions arising from life imprisonment – and punishment generally – in relation to human rights and penology. In particular, they will investigate, inter alia, the human rights implications of life imprisonment without parole; to what extent a whole life sentence may be compatible with Article 3 of the Convention; the thorny notion of the right to hope; when a life sentence may no longer be justified on legitimate penological grounds; and which type of review of a whole life sentence may suffice in light of the Convention standards.

This event is part of:

Webinar Training Series – “Punishment, Detention, Crisis: Academic Judicial Dialogues”

Next events

22 April, 4pm – Border Crossing and the Right to Liberty (Ksenija Turković, Catherine Costello, Martin Mits, Mariagiulia Giuffrè);

20 May, 4pm – Detention during Pandemic (Fionnuala Ni Aolain, Triestino Mariniello, Roberto Chenal, Liora Lazarus);

24 June, 4pm – Police Power and National Emergency (Darian Pavli, Julie Alix, Latif Huseynov, Manfred Nowak).

Description

The criminal law today is pushing its limits. Breaking through new frontiers, it is extending beyond its traditional province, affecting increasingly more facets of individual liberty. As the criminal law flourishes in times of crisis, novel far-reaching provisions are being incorporated into our legal systems. Emergency legislation has thus been normalised. In this context, various questions arise as to the nature, aims and scope of punishment and detention. What makes punishment “human” or “just”? When does a restrictive measure qualify as deprivation of liberty? To what extent, if any, does a pandemic impose additional limits on recourse to detention? Which restraints must remain in place in time of emergency to rein in the broad discretionary powers vested in the police?

This series of webinars offers a forum that brings together leading scholars, judges and practitioners to discuss human rights standards in the area of deprivation of liberty. While the webinars are first of all training events for the Court’s staff, they warmly invite the active participation of the general public. The proposed audience includes scholars, students, and human rights law practitioners.

Director: Ksenija Turković

Organizers: Paolo Lobba and Triestino Mariniello