

Justice Secretary confirms plans for 'Helen's Law'

- Justice Secretary sets out proposals amending the Parole Board release test
- Follows tireless campaigning efforts by the mother of murdered Helen McCourt

Murderers who refuse to disclose the location of a victim's body may be denied parole under a new law set out by the Justice Secretary David Gauke.

Named after Helen McCourt – murdered in 1988 – whose killer has never revealed her whereabouts, 'Helen's law' will place a legal duty on the Parole Board to reflect the failure to disclose the site of a victim's remains when considering a prisoner's suitability for release.

The move follows the unwavering campaign of Helen's mother, Marie McCourt, to see the law changed and comes after recent meetings with her MP Conor McGinn and Justice Secretary David Gauke.

The government is acting to acknowledge the particular anguish faced by families who do not have the chance to lay their loved ones to rest, and will now consider the most suitable options to bring through legislation as soon as possible.

Justice Secretary David Gauke said:

It is a particular cruelty to deny grieving families the opportunity to lay their murdered loved one to rest, and I have immense sympathy with Marie McCourt and others in her situation.

'Helen's Law' will mean that the Parole Board must consider this cruelty when reviewing an offender's suitability for release – which could see them facing longer behind bars.

The profound grief inflicted on families and friends of the murdered is incalculable. Those responsible should know that if they choose to compound this further through their behaviour, they will be held accountable.

Marie McCourt said:

I am obviously very pleased that the Justice Secretary has now confirmed that the Government is proceeding with Helen's Law and grateful that he agreed to meet with myself and my MP Conor McGinn to discuss the aims and needs of my campaign.

This legislation will mean that myself and many other families will, hopefully, not have to endure the torture of not knowing where their loved ones remains can be recovered from.

I would like to thank my MP Conor McGinn for all his work in bringing this law forward, the Justice Secretary, and everyone who has supported me in my endeavours of getting justice for the victims and their families.

Conor McGinn MP said:

This is a hugely welcome and important step forward for the McCourts and countless other families. Nothing can undo their hurt and pain, but the least they deserve is justice.

I want to pay tribute to my constituent Marie McCourt, whose dignity and determination inspired hundreds of thousands of people to support our campaign for Helen's Law. I also want to thank the Secretary of State for his personal commitment and efforts in working with us on this issue. This is a good day for British justice.

Parole Board guidance is already clear that offenders who withhold information may still pose a risk to the public and could therefore face longer in prison. 'Helen's law' will for the first time make it a legal requirement to consider this withholding of information when making a decision on whether to release an offender.

Human Rights legislation protects against arbitrary detention, and the proposed new law balances this with need to keep the public safe. The proposals also take into account instances where a murderer may genuinely not know the location of a victim's body if, for example, it has been moved.

The changes to the release test build on wider reforms to the parole system, announced earlier this year, that will allow victims the opportunity to request the reconsideration of a release decision. This forms part of sweeping changes to bring more transparency and accountability to the parole process and improve the support to victims.

Guidance:

- Whilst Parole Board guidance is already clear that offenders who withhold information may still pose a risk to the public and therefore face longer in prison, the new legislation will place failure to disclose the location of a victim's body when assessing release on a statutory footing.
- Courts can already pass tougher sentences for murderers who deliberately conceal the location of a body.
- The Justice Secretary met with Conor McGinn MP and Marie McCourt to explore options for a Helen's Law on Wednesday 15 May 2019.

- The reconsideration mechanism was announced in February and will allow victims for the first time to challenge a release decision if they believe it was fundamentally flawed.
- Applications for reconsideration will only be merited where there is a clear likelihood that the process may have been procedurally or legally flawed. It will not apply to decisions which are challenging and unpopular but have nevertheless clearly been carried out strictly in line with the lawful requirements and normal standards of practice for Parole Board members.