

## Response ID ANON-QCM4-9MQZ-6

Submitted to **Consultation on Prisoner Voting**

Submitted on **2019-03-08 14:44:04**

### Questions

**1 Do you think that prisoners' right to vote in Scottish Parliament and Local Government elections should be linked to the length of their sentence?**

No

**2 If your answer to Question 1 is 'no', what would be your preferred approach to extending prisoners' voting rights?**

**If your answer to Question 1 is 'no', what would be your preferred approach to extending prisoners' voting rights?:**

Sacro's preferred approach would be an extension of voting rights to all prisoners, regardless of sentence length or offence. However, we understand the reasoning behind the Scottish Government's preference of restoring the franchise to prisoners serving short sentences and would strongly recommend the threshold be set at the maximum possible duration of sentence with a minimum of four years considered – the current definition of a short sentence in Scotland.

Sacro believes that the blanket ban on prisons voting reflects a current position which has its roots in the mid-nineteenth century relationship between voting and property ownership, and the forfeiture of property for certain crimes. In many countries, the vote is seen as an inalienable right that cannot be taken away as a punishment. Therefore moving away from the current blanket ban better represents the values of a modern democracy. The international position underlines that respecting the rights of victims – as we should – does not require the removal of the vote. We are not aware of any evidence that it functions as a deterrent. The idea that prison should automatically carry a penalty of "civic death" is at odds with the aims of rehabilitation and reintegration.

In the absence of wide public support for determining the vote as an inalienable right that cannot be taken away as a punishment, Sacro supports the conclusion of the 2013 cross-party joint committee of the UK Houses of Parliament, that all prisoners serving sentences of 12 months or less should be entitled to vote. We believe the period of 12 months or less was founded on the established determination of the period length of 'short sentences' in England and Wales. However, while this arbitrary time limit of one year or less reflects the administrative reality in England and Wales, this was not based on any evidence that this is material beyond that it reflects a time scale already adopted in that jurisdiction.

In Scotland, the determination of short term sentences is set at less than four years. The public acceptance of this timescale is well established and not publically challenged. There is no administrative benefit, nor benefit to victims in relation to deterrence, that arises from setting the limit at one year rather than four years.

We believe there is benefit in removing perceived unfairness in the current position that arbitrarily excludes prisoners from the democratic process, reinforcing their sense of being separated from – and rejected by – mainstream society. This blanket exclusion actively works against successful rehabilitation.

In conclusion, Sacro believes that the proposed eligibility threshold for prisoner voting rights should reflect (as a minimum) the established time frame for short sentences in Scotland at four years. The provision of this voting right is a significant token on both how much we value fellow citizens, but also how much we value voting itself. Prisoners have a continuing stake in their fellow citizens and constituency, such as families of prisoners, the needs of which are not diminished by punishment.

**3 If your answer to Question 1 is 'yes', what length of sentence would be appropriate as the eligibility threshold for prisoner voting rights?**

Not Answered

**4 If your answer to the above is 'another duration', please specify this here.**

**If your answer to the above is 'another duration', please specify this here.:**

**5 Do you have any comments on the practicalities of prisoner voting?**

**Do you have any comments on the practicalities of prisoner voting? :**

The proposed arrangements for prisoner voting do seem realistic and achievable, with safeguards provided that determine minimum arrangements for access to application for process, including timescales.

**6 Do you have any other comments that have not been captured in the responses you have provided above?**

**Do you have any other comments that have not been captured in the responses you have provided above?:**

### About you

**What is your name?**

**Name:**

Tom Halpin

**What is your email address?**

**Email:**

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**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

**Organisation:**

Sacro

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response with name

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

**Evaluation**

**Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)**

**Matrix 1 - How satisfied were you with this consultation?:**

**Please enter comments here.:**

**Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:**

**Please enter comments here.:**