



WORKSHOP

CONSTITUENTS WITH CONVICTIONS

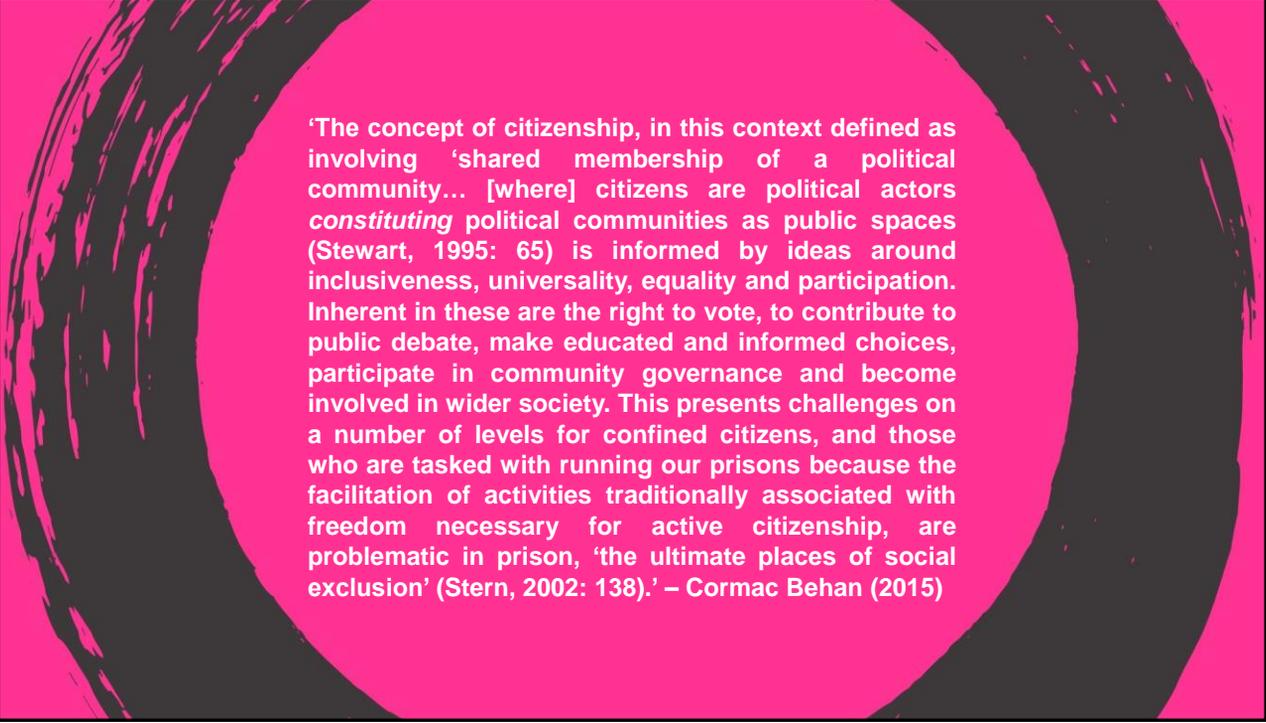
HUMAN RIGHTS, VOTING and CITIZENSHIP in SCOTTISH PRISONS

HMIPS Independent Prison Monitoring Conference, 16/11/19

 @DrHannahGraham

 #IPM2019Conf

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'The concept of citizenship, in this context defined as involving 'shared membership of a political community... [where] citizens are political actors *constituting* political communities as public spaces (Stewart, 1995: 65) is informed by ideas around inclusiveness, universality, equality and participation. Inherent in these are the right to vote, to contribute to public debate, make educated and informed choices, participate in community governance and become involved in wider society. This presents challenges on a number of levels for confined citizens, and those who are tasked with running our prisons because the facilitation of activities traditionally associated with freedom necessary for active citizenship, are problematic in prison, 'the ultimate places of social exclusion' (Stern, 2002: 138).' – Cormac Behan (2015)

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PRISONER VOTING REPORT BY THE SCOTTISH PARLIAMENT EQUALITIES & HUMAN RIGHTS COMMITTEE

SCOTTISH ELECTIONS (FRANCHISE AND REPRESENTATIONS) BILL

This Scottish Government Bill proposes enfranchising some convicted prisoners to be eligible to vote in Scottish Parliament and Local Government elections.

Published 11 November 2018
 SP Paper SC2
 14th Report 2018 (Session 7)

The Standards, Procedures and Public Appointments Committee
 Comataidh Inbhean, Dòighean-obrach is Cur-an-dreuchd Poblach

Stage 1 Report on the Scottish Elections (Franchise and Representations) Bill

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HMIPS written evidence to Scottish Parliament on the Scottish Elections (Franchise and Representations) Bill

A blanket ban on prisoner voting is not in keeping with Article 3 of Protocol 1 to the European Convention on Human Rights (ECHR).

We believe there is much in the arguments discussed in the Equalities and Human Rights Committee report:

- a. People are still citizens even if they commit crimes;
- b. Allows and encourages marginalised groups to be part of the community;
- c. Aids rehabilitation and the chances of prisoners becoming law-abiding citizens;
- d. Allows prisoners to hold decision makers to account for decisions made in relation to the justice system – for example, the conditions of incarceration.

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SPRE  ABOUT US BLOG CONTACT 



Let prisoners vote, just like other citizens

Hannah Graham, University of Stirling and Scottish Centre for Crime and Justice Research (SCCJR)

With the issue of prisoners' voting rights about to return to political debate, the criminologist Dr Hannah Graham argues that reform is long overdue.

Prisoner voting is on the agenda again at Holyrood with the Scottish Elections (Franchise and Representation) Bill. A key policy aim of this Government Bill is to enfranchise some convicted prisoners aged 16 and older to be eligible to vote in Scottish Parliament and local government elections in order to comply with the European Convention on Human Rights, overturning a longstanding blanket ban on prisoner voting. As a criminologist and fellow citizen, I support this Bill, while arguing that it should be amended to be braver and go further in enfranchising more prisoners than initially proposed.

Intransigence and populist politicisation of this human rights issue have meant we lag behind many European counterparts, our blanket ban putting us with Russia, Bulgaria and Hungary. Whereas Finland, Norway, Sweden, Denmark and Ireland have no electoral ban on prisoner voting – a progressive Nordic and Celtic arc of nations Scotland should join, now the power to enfranchise is devolved to Holyrood.

The Bill rightly legislates to overturn the current blanket ban on prisoner voting

The current blanket ban on prisoner voting has been opposed for years, in numerous consultations and forums, by criminologists and rights and reform advocates such as the Howard League Scotland and the Scottish Human Rights Commission. In my written evidence to the Parliament on this Bill, I advocate this ban being overturned

My blog post for the Scottish Policy and Research Exchange (2019):
<https://spre.scot/let-prisoners-vote-just-like-other-citizens/>



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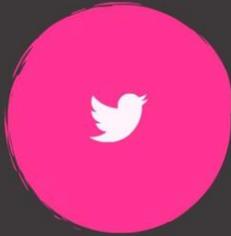
QUESTIONS FOR DISCUSSION

- What are the practical and ethical and equalities considerations in convicted prisoners being given the right to vote?
- What existing activities and opportunities exist in Scottish prisons to facilitate and foster citizenship and civic and political engagement? What new activities and opportunities could be developed? Who could do what?
- What is the role of HM Inspectorate of Prisons for Scotland in this area?



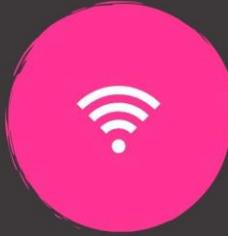
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