Voting rights of prisoners and the independence referendum

I have noted the question of voting rights for prisoners at the referendum was discussed in the Committee last month. I have also seen the evidence submitted by the Howard League for Penal Reform in Scotland, Prison Reform Trust, SACRO, Professors Fergus McNeill and Mike Nellis to the Committee, about the proposal from the Scottish Government to prevent all of convicted prisoners detained in prison on 18 September 2014 from voting in the referendum on independence.

I believe that this question needs to be properly scrutinised and debated as the Scottish Independence Referendum (Franchise) Bill passes through the Parliament between now and June.

As a society, when wrong has been done, what we require is reconciliation and restoration of relationship with our neighbours. The criminal justice system is a vital part of this. At its heart it should reflect the aim of restoring broken relationships between the offender and the community and of discouraging law breaking. Punishment does not seek to deny human dignity to anyone, but to restore it. It should also effect reconciliation between the offender and his or her victim and society at large, wherever this is possible, and incorporate forgiveness. Forgiveness, repentance and the repair of broken relationships, need to be made possible for the promotion of individuals’ and social well-being. The result can be a positive change on the offender’s part, which depersonalising punishment would not have achieved.

Punishment alone will not normally prevent a person from re-offending; punishment informs the offender that they have done wrong, but gives no guidance as to how they could or should change. What is required are those things that reinforce the offender’s sense of personal responsibility and give back to them some real change to change.

If prisoners are engaged in paying a debt to society, then surely it is vital to ensure they remain part of society.

I have also noted the recent debate around the European Court of Human Rights decision on prisoner voting rights in the United Kingdom. The Church and Society Council is bringing a report on Human rights to the General Assembly this year which we state that human rights cannot be only for those whom we affirm and approve. To mean anything significant they need to be for the unpopular, for the dispossessed and indeed those who do not respect the rights of others. Their very essence is what is due to our neighbor on account of “common humanity”; this is their moral basis.

I would therefore like to urge the Committee and indeed the whole Parliament to consider carefully the submission from the Howard League for Penal Reform and others, and I add my support based on the points I have outlined above. Scotland
has an opportunity to offer a different example; the referendum debate and process give us the chance to imagine a different future.

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