I have 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 Referendum (Scotland) Bill Committee of the Scottish Parliament, 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 too agree that prisoners’ right to vote is an important issue on which Scotland should reach its own conclusions and which should be properly scrutinised and debated as the Scottish Independence Referendum (Franchise) Bill passes through the Parliament between now and June.

In particular, I strongly support the view put forward in the submission to the Committee that Scotland should take this opportunity to follow the example of most European democracies and if practically possible enable at least some convicted prisoners to vote in September 2014. I hope you will support that position.

In the longer term, we should consider this issue fully, and not necessarily follow what has happened in Westminster. My personal view is that Scotland should operate a system where those prisoners sentenced to life or indeterminate sentence automatically lose the right to vote while imprisoned; those serving four years or more may specifically be disenfranchised by a judge in high court as part of their sentence; and those sentenced to short sentences of under four years (i.e. serving less than two years) do not lose the right to vote. They would be able to apply for a postal vote as any other citizen.

It is time we gave this matter serious and proper consideration and I urge your support.

Professor Alec Spencer
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