PRISONERS SHOULD BE ALLOWED TO VOTE BECAUSE.....

“In a Democracy Everybody Counts”

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When David Cameron said it made him "physically ill" to be forced to give prisoners the vote, he revealed a shocking disregard of democracy, human rights and put quite simply, justice itself.

Following his remarks I was invited onto various news programmes and asked to explain why it was that I thought David Cameron was so wrong.

“Are you suggesting Mark that the likes of Ian Huntley should be given the vote?” asked one interviewer; “rapists and paedophiles should really be able to vote then should they?” asked another, while a third laughed at my suggestion that in all honesty the public were actually more interested in why prisoners shouldn’t vote, than prisoners were as to why they should; but it was true nonetheless.

And to come straight to the point, yes 'the likes of' Ian Huntley should be allowed to vote – and for the record so too should the likes of paedophiles, rapists, murderers, robbers, drug addicts and thieves.

Why?

That’s easy.

For the very simple reason that we live in a democracy and the one thing that marks out a democracy, from a dictatorship, is that in a democracy everybody counts; black, white, tall, small, fat, thin, gay, straight – everybody, every single person, 'counts'.

Let’s be clear I am not saying that every prisoner should be allowed to vote, only that where we remove the right to vote it has to be based on reason not rhetoric - if we are seriously saying that every convicted prisoner is banned from voting, whether they are serving seven days or seventy years, then my point is that there has to be some connection between the crime and sentence.

Look, take the case of a man who goes out on Friday night, gets drunks, gets involved in an argument that descends into a fight, is arrested for assault and appears in court on Monday morning – when I asked the politicians I appeared with on those news programmes that day whether a man in this position should lose his driving licence, every single one said the loss of his driving licence should not be a part of the sentence “because he had not committed a motoring offence”.

Quite so.

So why do we remove the right to vote from prisoners who have not been convicted of any electoral offence?

Where someone has been convicted of electoral fraud then removal of the right to participate in elections for a fixed period should be a sentence open to the courts – not a stick wielded by politicians for ulterior and irrational motives.

And there is another basic objection that I have to removing the prisoners’ right to vote – and this has nothing to do with crime, indeed it is much more fundamental than that – it is that politicians have a vested interest in this subject.

We would not allow the man who had his house burgled to sit on the jury of the man charged with the offence, people would say he could not be independent and they’d probably be right,
yet we allow politicians, whose career, livelihood, salary and future depends on votes to decide who can vote in an election.

I don’t object at all to the question as to whether prisoners should be able to vote actually being asked, or debated, on the contrary I welcome transparency – I simply say that politicians are not the one’s who should answer such fundamental civil rights questions – that should be one for society as a whole in a referendum.

We had a referendum on whether the voting system should be changed to the Alternative Vote – if it was thought that it was such an important issue that it couldn’t be left to politicians, why leave it to politicians to decide whether any of the 88,000 people in prison should or shouldn’t take part in the voting process?

And it is not as if Cameron’s view of prisoner voting has widespread support in other countries; it doesn’t.

Many nations, including Denmark, Sweden and Switzerland, have no form of electoral ban for imprisoned offenders at all. In others, however, severe restrictions make it very difficult in practice for offenders to vote. In Cyprus, for example, an inmate must happen to be out of prison on the day of the elections, and in Slovakia, prisoners can legally vote but no provision is made to allow them to do so.

The Republic of Ireland lifted its ban in 2006, passing legislation enabling all prisoners to vote by post in the constituency where they would ordinarily live – and the first thing they did in South Africa after the release of Nelson Mandela was to give every single prisoner the right to vote because they had spent too long living with apartheid to allow it to continue to infect their electoral system; and electoral apartheid is what we have in the UK as long as we say one section of the community – prisoners – cannot vote.

In 13 European countries, electoral disqualification depends on the crime committed or the length of the sentence. Italy, Malta and Poland, for example, ban those deemed to have committed serious crimes. In Greece, anyone sentenced to life receives a permanent voting ban.

Germany’s law actually urges prisons to encourage their inmates to vote, although it does ban those whose crimes undermine ”democratic order”, such as political insurgents. You see Germany, with its chequered human rights history (like that of South Africa) ’gets it’ where Cameron doesn’t.

Germany ’gets it’ that there is a risk that by excluding people from taking part in the very essence of a democratic process by voting, they will accept that exclusion and not only become disengaged, but then they’ll stick two fingers up to your society by starting their own way of doing things which results in gang culture, crime and lawlessness.

Germany is not alone.

Until 2005, Austria banned all those sentenced to more than one year. However, a convicted murderer challenged that and won, meaning that Austria now allows the vote in all cases except where the offence is particularly relevant - such as electoral fraud.

Other than the UK, the only other European countries with an outright ban on prisoners voting are Russia, Armenia, Bulgaria, Czech Republic, Estonia, Hungary, Luxembourg and Romania; hardly countries leading the way in political thinking.

However, until a legal challenge is brought in those countries, Europe will not seek to force a change in their domestic legislation.
Cameron (and Clegg to his eternal shame) have to realize the European Convention on Human Rights is not some ‘a la carte’ menu in a restaurant, where you can pick and choose what rights you want to enforce and those you wish to ignore, all the rights protected by the Convention are enforceable – and let us not forget the UK signed up to this Convention half a century ago. We led the way in post-war Europe and drove this historical treaty forward – fifty years later if anything should make David Cameron ‘physically sick’ it is not the prospect of giving prisoners the vote, but the shameful way he seeks to walk over hard-won rights and freedoms that our ancestors considered so vital to any democracy.

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