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Subject : ANONYMOUS submission

To whom it may concern,

Please treat this as an ANONYMOUS submission to the consultation on prisoners' voting right. Thank you for your attention.

Regarding the possible policy options proposed, first, I disagree to the offence-specific qualification proposed in option ONE. I also disagree to options TWO and THREE for the reasons below.

My view is that the length of sentence of imprisonment as ordered by Court is NOT a fair indicator of whether (or when) an inmate should retain his/her right to vote.

For example, A just started serving a 7-year sentence, whereas B has finished serving 4 years out of his 10-year sentence and there is LegCo election this year.

In this case, A can already vote (even though A still has 7 years remaining in prison and) even though the candidates whom he votes for and succeeds may not even remain in office when A gets released and has the opportunity to 'be served and represented' by the representatives he chose.

However, B, having 6 years of imprisonment remaining, cannot vote but have to wait for 1 more year.

As the exact length of sentence ORDERED is to a certain extent arbitrary, this division based on the sentence ORDERED will lead to grave injustice, unreasonableness, defiance to human logic and also the well-accepted principle that prisoners are to be encouraged to assimilate, participate, and contribute to society upon their release. The deprivation of their voting right does not only violate their fundamental right and take away their way of participation in public life, it also carries with the a symbolic, self-contradictory implication that prisoners still have to suffer/be deprived of some of their fundamental rights even AFTER their release... This, in a way, is aggravating/lengthening the punishment society/the court has ordered. Not only does this run against our conscience, but is also out of line of the prohibition on double jeopardy -- that one can only be punished one for the same wrong he has committed.

I believe this is an unacceptable irony that has been possibly overlooked by the proposers.

Therefore, NEITHER option TWO NOR option THREE is reasonable in my opinion.

I would support a total lifting of disqualification from voting, i.e. ALL prisoners should have the right to vote, however long their sentence is, however long they have served it, whatever offence s/he has been convicted of and sentenced for. This is a fundamental human right and should be subject to as little restriction as possible. The court did NOT hold that it OUGHT to be subject to restrictions, but only mentioned the legislative possibility of imposing restrictions. In my opinion, the most appropriate reform is to lift the ban totally.

Alternatively, if the one insists on imposing restrictions/ certain extent of disqualification from voting, I would propose the length of sentence REMAINING TO BE SERVED to be the indicator, such that all prisoners having a certain length of sentence remaining to be served can vote on an equal basis. For the specified length, I would say 8 years, so the prisoners can observe the performance of those they support in the first election before casting their vote on the next election which may have direct effects on their lives upon release. This is also consistent with the principle that prisoners are to be encouraged to prepare themselves to return to and to serve society, in which their right to participate in public life cannot be jeopardised.

Those are my opinions and I sincerely hope they can be accorded due regard during the legislative process.

Last but not least, must also be reiterated that Hong Kong has prided itself in the rule of law and the protection of fundamental rights and freedoms as a common law tradition. Any failure to keep up this valuable and virtuous tradition will not only put Hong Kong to shame, it will also shake the long foundation of human rights protection and the city's international reputation, drastically.

Thank you very much for your kind attention.

ANONYMOUS