

Y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd

Special Purpose Committee on Senedd Reform

Dr Greg Davies
Darlithydd yn y Gyfraith
Ysgol y Gyfraith a Chyfiawnder Cymdeithasol
Prifysgol Lerpwl

Dyddiad | Date: 28 Ionawr 2022

Pwnc | Subject: Y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd

Annwyl Dr Davies,

Diolch am eich llythyr dyddiedig 21 Ionawr 2022 yn argymhell bod y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd yn ailedrych ar y mater o roi pleidlais i garcharorion.

Yn anffodus, mae gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd, a sefydlwyd ar 6 Hydref 2021, gylch gwaith arbennig o gyfyngedig a thynn o ran amser, sef:

ystyried y casgliadau a wnaed yn flaenorol gan y Pwyllgor ar Ddiwygio Etholiadol y Senedd yn y Bumed Senedd fel y nodir yn ei adroddiad Diwygio'r Senedd: Y camau nesaf; ac erbyn 31 Mai 2022, gwneud argymhellion ar gyfer cyfarwyddiadau polisi ar Fil Llywodraeth Cymru i Ddiwygio'r Senedd.

Wedyn, caiff y Pwyllgor ei ddiddymu yn dilyn dadl yn y Cyfarfod Llawn ar ei adroddiad terfynol.

O gofio'r uchod, mae trafod rhoi pleidlais i garcharorion y tu allan i gylch gwaith y Pwyllgor penodol hwn, ac ni all ystyried eich cais.

Fodd bynnag, anfonaf gopi o'r ohebiaeth hon (a'ch gohebiaeth chi) at Gadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol i alluogi ei Phwyllgor i drafod y materion yr ydych wedi'u codi.

Yn gywir,

Huw Iwanca-Davies

Huw Irranca-Davies AS

Cadeirydd

Copi at Jenny Rathbone AS, Cadeirydd y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol.

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



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21 January 2022

Annwyl Mr Irranca-Davies,

My name is Dr Greg Davies and I am a lecturer in Law at the University of Liverpool. I write on behalf of myself and Dr Rob Jones who is a lecturer in the Welsh Criminal Justice System at the Wales Governance Centre, Cardiff University. Since 2017 we have jointly contributed to debates on prisoner voting in Wales. We submitted evidence to the Welsh Government's consultation on reforming local elections in 2017 and also gave written and oral evidence to the Equality, Local Government and Communities Committee inquiry on prisoner voting in 2019.

We believe that the Special Purpose Committee on Senedd Reform should revisit the issue of prisoner voting. During the Fifth Senedd the Welsh Government committed to extend the voting franchise for Welsh devolved and local elections to prisoners serving under four year terms, following the recommendations of the Equality, Local Government and Communities Committee in 2019. These plans were disrupted at the outset of the pandemic but, as far as we can tell, they remain Welsh Government policy.

Given that the work of the Special Purpose Committee is concerned with consolidating Welsh democracy, it seems to us that this is not only an appropriate forum to consider the matter; it may be the last viable opportunity to do so.

Whatever proposals emerge from the Committee's work, Welsh electoral arrangements will need to be compatible with the European Convention on Human Rights. There are strong grounds to believe that current arrangements are inadequate in this regard, as the Equality, Local Government and Communities Committee recognised in 2019. Over the last year, we have surveyed more than 130 electoral administrators, including 16 from Wales, about their experiences of handling voter applications from prisoners. This research has highlighted a number of further problems in the current arrangements, including:

- Extremely low participation among prisoners with a right to vote
 - 2 out of 3 electoral administrators have never received a voter registration application from a prisoner
 - Virtually all administrators with experience of prisoners applying to vote have received only 1-5 applications during their career
- A clear risk of the vote being denied to eligible prisoners due to:
 - Poor communication between prison and electoral services
 - Frequent transfer and dispersal of prisoners
 - Absence of support with voter registration process within prisons
 - Lack of clarity in relevant guidance for electoral administrators

For these reasons, we believe it is vital that the Committee revisits this issue. Dr Jones and I would be happy to provide the Committee with further written or oral evidence about our ongoing research.

I would like to take this opportunity to thank you for your time in considering this request. If you wish to discuss this subject further, please do not hesitate to contact me.

Yn gywir,

Dr Greg Davies