



RACP
Specialists. Together
EDUCATE ADVOCATE INNOVATE

**The Royal Australasian College of
Physicians' submission to the Justice
Select Committee**

**Electoral (Registration of Sentenced
Prisoners) Amendment Bill**
Paenga-whāwhā 2020

Introduction

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to submit feedback to the Justice Select Committee on the Electoral (Registration of Sentenced Prisoners) Amendment Bill.

The RACP works across more than 40 medical specialties to educate, innovate and advocate for excellence in health and medical care. Working with our senior members, the RACP trains the next generation of specialists, while playing a lead role in developing world best practice models of care. We also draw on the skills of our members, to develop policies that promote a healthier society. By working together, our members advance the interest of our profession, our patients and the broader community.

RACP Position on Enfranchisement as a Human Right

The RACP strongly believes that enfranchisement is a human right, and as such, prisoners in Aotearoa New Zealand should have the right to vote in free and democratic elections. This is a position supported by the United Nations, and one that is founded in our core belief that equitable outcomes must be achieved for all people in Aotearoa New Zealand¹. The status quo, where prisoners are unable to vote, and therefore participate in our political system, is a violation of their basic human rights, and must be rectified.

Inequitable Imprisonment of Māori and Pasifika

As of December 2019, Māori and Pasifika are significantly overrepresented in Aotearoa New Zealand's prisons. Census 2018 puts the percentage of people who identify as Māori in Aotearoa New Zealand at 16.5 per cent, with Pasifika identifying people at 8.1 per cent². However, within prisons, 51.8 per cent of the population identify as Māori, and Pasifika 11.7 per cent³. This is an incredibly inequitable overrepresentation for both ethnicities, particularly of Māori.

These populations, when taken in context with the removal of the franchise for prisoners in 2010, represent a significant portion of the Māori and Pasifika population who have been systematically removed from the political system. The result of disenfranchisement means that prisoners cannot exercise their rights under Te Tiriti o Waitangi and under international human rights frameworks. This is particularly egregious when combined with the fact that these populations are also significantly overrepresented in police apprehensions and reconvictions⁴.

Compounding disenfranchisement under changes to the Electoral Act 1993 are relatively recent legislative reforms such as the Sentencing and Parole Reform Act 2010, which introduced the three

¹ United Nations Office of the High Commissioner. Human rights and elections. [Internet]. Geneva: United Nations; 2020. Available from: <https://www.ohchr.org/EN/Issues/Pages/HRElections.aspx>. Accessed 24 April 2020

² Statistics New Zealand. New Zealand's population reflects growing diversity. [Internet]. Wellington: Statistics New Zealand; 2019. Available from: <https://www.stats.govt.nz/news/new-zealands-population-reflects-growing-diversity>. Accessed 24 April 2020

³ Department of Corrections. Prison facts and statistics - December 2019. [Internet]. Wellington: Department of Corrections; 2019. Available from: https://www.corrections.govt.nz/resources/research_and_statistics/quarterly_prison_statistics/prison_stats_december_2019. Accessed 24 April 2020

⁴ Hess J. Addressing the overrepresentation of the Maori in New Zealand's criminal justice system at the sentencing stage: how Australia can provide a model for change. Pacific Rim Law & Policy Journal [Internet]. 2011; 20(1): 179-210. Available from: <https://go.gale.com/ps/anonymouse?id=GALE%7CA246955319&sid=googleScholar&v=2.1&it=r&linkaccess=ab&s&issn=&p=AONE&sw=w>. Accessed 24 April 2020

strikes sentencing regime. Despite the fact that the Department of Corrections has acknowledged that overrepresentation of Māori is at least partially due to systemic factors, including institutional racism, reforms such as these do not address this, and instead increase inequity in the system, leading to even more Māori being incarcerated and subsequently disqualified from voting⁵.

Disenfranchisement of Māori in Aotearoa New Zealand

Studies have found that while Māori in Aotearoa New Zealand participate more than the average in active politics, among passive indicators, (including voting turnout) they participate less⁶. This impacts upon the political influence wielded by Māori, and the extent to which their needs, as well as Te Ao Māori and mātauranga Maori are reflected throughout our political landscape. It has also been found that Māori have significantly less trust in Parliament than the wider population (29 per cent to 44 per cent)⁷, which is indicative of the level of political enfranchisement of the population. It is ever more important that prisoners are able to vote in Aotearoa New Zealand, given the context of Māori overincarceration.

Content of the Bill

The RACP supports the Bill, and the moves it makes to liberalise legislation governing enfranchisement for prisoners. Allowing prisoners serving sentences of up to three years to vote, and requiring that access to voting be made available to them and to prisoners being released from longer sentences, is a step towards implementing a human rights framework which better reflects international best practice. To facilitate this, it may be prudent to allow the Electoral Commission to directly visit prisons, with the aim of adding prisoners to the electoral roll.

However, we strongly believe that further action must be taken to allow all prisoners enfranchisement. Disallowing prisoners from voting perpetuates political inequity in Aotearoa New Zealand, and influences the ongoing disenfranchisement of Māori and Pasifika from our political system. This must be addressed for Aotearoa New Zealand to reflect the needs of Māori and Pasifika, and for the nation to embody Te Tiriti o Waitangi, alongside international human rights frameworks.

⁵ Rumbles W. "Three Strikes" Sentencing: Another Blow for Māori. *Waikato Law Review* [Internet]. 2011; 19(2): 108-116. Available from: <https://researchcommons.waikato.ac.nz/handle/10289/6948>. Accessed 24 April 2020

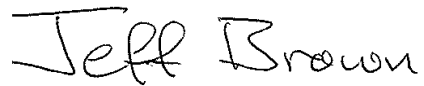
⁶ Mcvey A, Vowles J. Virtuous Circle or Cul de Sac? Social Capital and Political Participation in New Zealand. *Political Science* [Internet]. 2005; 57(1): 5–20. Available from: <https://journals.sagepub.com/doi/abs/10.1177/003231870505700102>. Accessed 24 April 2020

⁷ Statistics New Zealand. Kiwis perceive high political trust but low influence. [Internet]. Statistics New Zealand: Wellington. Available from: <https://www.stats.govt.nz/news/kiwis-perceive-high-political-trust-but-low-influence>. Accessed 24 April 2020

Conclusion

The RACP thanks the Justice Select Committee for the opportunity to provide feedback on the Electoral (Registration of Sentenced Prisoners) Amendment Bill. To discuss this submission further, please contact the Aotearoa NZ Policy and Advocacy Unit at policy@racp.org.nz.

Nāku noa, nā

A handwritten signature in black ink that reads "Jeff Brown". The signature is written in a cursive, slightly slanted style.

Dr Jeff Brown
Aotearoa New Zealand President
The Royal Australasian College of Physicians