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Press Release: General Election will breach European Convention if prisoners denied the right to vote

The forthcoming general election risks not being compliant with the European Convention on Human Rights unless the government moves urgently to overturn the blanket ban on sentenced prisoners voting, senior cross-party politicians, church leaders, prison governors, former offenders, human rights groups and prison reformers warn today.

The UK's ban remains in place despite the European Court of Human Rights ruling it unlawful in March 2004. With less than five months to go before the likely date of the next election, [Barred from Voting](#) (Insert as hyperlink) organised by UNLOCK and the Prison Reform Trust, is calling for the outdated law which strips sentenced prisoners of their voting rights to be overturned. The law is a relic from the 19th century which dates back to the Forfeiture Act of 1870 and is based on the notion of civic death, a punishment entailing the withdrawal of citizenship rights. It has no place in a modern democracy and is legally and morally unsustainable.

Over the past six years since the ban was declared unlawful the UK government has repeatedly sought to delay implementation of the European Court judgement. In April 2009, following an official complaint by the Prison Reform Trust and UNLOCK to the Council of Europe, the government acknowledged for the first time that some sentenced prisoners will eventually be allowed to vote, but has since stalled on any concrete action to enfranchise sentenced prisoners.

On 3 December 2009 the Committee of Ministers at the Council of Europe expressed serious concern that "the substantial delay in implementing the judgement has given rise to a significant risk that the next UK general election, which must take place by June 2010, will be performed in a way that fails to comply with the Convention". The Committee warned that it will revisit the issue in March if the government fails to act.

The UK government's foot-dragging, despite repeated warnings from the cross-party Joint Committee on Human Rights, means there is an increasing risk the next election will unlawfully deny people in prison the right to vote. Despite this sentenced prisoners could be enfranchised within the time remaining by:

- Introducing an amendment to the constitutional reform and governance bill which is due to enter the House of Lords for debate in February 2010.
- Issuing an urgent remedial order to amend the legislation and at the same time allow for Parliamentary debate within a proscribed period.

The case for reform is unequivocal. It rests on the view that voting should not be a privilege; it is a basic human right. A [Barred from Voting briefing paper](#) launched today states:

- The right to vote is an inalienable human right enshrined in Article Three of the European Convention on Human Rights and Article 25 of the International Covenant on Civil and Political Rights.
- The UK is one of only a handful of European countries automatically to disenfranchise sentenced prisoners.
- Denying sentenced prisoners the vote perpetuates social exclusion and undermines the government's civic renewal and active citizenship agenda by legitimising the civic death of thousands of people who are sentenced to prison.
- Minority ethnic groups are disproportionately affected by the ban. Due to their over-representation in the prison population, black men are significantly more likely to be barred from voting than their white counterparts.
- The ban contributes to the failure of imprisonment to rehabilitate six out of ten offenders. Giving prisoners the vote would encourage them to become responsible, law abiding citizens.
- The ban is not an effective deterrent and does not protect public safety. It is an unjust additional punishment imposed, but not articulated, by the courts.
- If sentenced prisoners had the vote politicians would have to take more of an interest in prisons and the issues raised by prisoners.

The Liberal Democrat leader, Nick Clegg, senior Conservative politicians including the former Home Secretary Lord Hurd, and senior Labour figures such as David Winnick MP and Lord Corbett of Castle Vale, have publically criticised the blanket ban on prisoners voting. The Bishops to Prisons for the Anglican and Catholic churches, Chief Inspectors of Prisons, the Prison Governors Association and members of the Penal Affairs Consortium have also spoken out against the ban.

Juliet Lyon, director of the Prison Reform Trust, said:

People are sent to prison to lose their liberty not their identity. Prison has an important job to do to prevent the next victim and release people less, not more likely, to offend again. Prisoners should be given every opportunity to payback for what they have done, take responsibility for their lives and make plans for effective resettlement and this should include maintaining their right to vote.

Bobby Cummines, the chief executive of UNLOCK, said:

Giving prisoners the vote is a question of moral conscience not political conscience. If prisoners are excluded from voting then we don't have a democratic society we are just paying lip service to one. The government must accept that prisoners remain citizens of this country with legitimate human rights, including the right to vote.

Lord Ramsbotham, Chief Inspector of Prisons for England and Wales from 1995 to 2001, said:

The government's failure to comply with the ruling of the European Court raises two fundamental questions it must address. First, why is there this continued prevarication in defiance of the rule of law, of human rights and the rehabilitation of offenders – all causes that the government claims to champion? Second, what message does the government think that the continued defiance of the rule of law sends to prisoners as well as the other countries in the Council of Europe?

Paul Tidball, president of the Prison Governors Association, said:

The blanket ban on sentenced prisoners' voting is out of step in a modern prison service and runs counter to resettlement work which aims to ensure that prisoners lead a responsible, law-abiding life on release.

House of Lords event

The [Barred from Voting briefing paper](#) will be launched at a reception in the House of Lords hosted by Lord Ramsbotham and Lord Fellowes. Speakers include Shami Chakrabarti, Director, Liberty; Juliet Lyon, Director, Prison Reform Trust; Bobby Cummines, Chief Executive, UNLOCK; Paul Tidball, President, The Prison Governors Association; and Rt Revd James Jones, Lord Bishop of Liverpool and Bishop to Prisons.

Notes to editor

Barred From Voting: The Right To Vote For Sentenced Prisoners can be [downloaded here](#)

On 18 December 2009, the prison population in England & Wales stood at 84,231. The vast majority, 70,344, are sentenced prisoners who are denied the right to vote.

The electoral ban on sentenced prisoners is contained in Section 3 of the Representation of the People Act 1983, as amended by the Representation of the People Acts 1985 and 2000. The ban dates back to the Forfeiture Act of 1870.

Protocol 1, Article 3 of the European Convention on Human Rights guarantees “free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature”. This guarantee is now contained in the Human Rights Act, which became part of the law throughout the UK on 2 October 2000.

In April 2001 the High Court rejected a case demanding enfranchisement of prisoners. In March 2004 the European Court of Human Rights (*Hirst vs the United Kingdom (No 2)*) ruled unanimously against the UK government's blanket ban on sentenced prisoners voting; the government's subsequent appeal to the Grand Chamber of the European Court was dismissed in October 2005.

On 3 December 2009 the Committee of Ministers at the Council of Europe expressed serious concern that “the substantial delay in implementing the judgement has given rise to a significant risk that the next UK general election, which must take place by June 2010, will be performed in a way that fails to comply with the Convention”. A copy of the Committee's interim resolution (CM/ResDH(2009)1601, Execution of the judgment of the European Court of Human Rights, *Hirst* against the United Kingdom No. 2) can be [read here](#)

The UK is out of step with most other European countries. Around 40% of the countries in the Council of Europe have no restrictions on prisoners voting. Many others only ban some sentenced prisoners from voting. In France and Germany, courts have the power to impose loss of voting rights as an additional punishment. The UK is only one of a handful of European countries that automatically disenfranchise all sentenced prisoners, the others including Armenia, Bulgaria, Estonia, Hungary and Romania.

The only other adult nationals who cannot vote in general elections are hereditary peers who are members of the House of Lords, life peers, patients detained in psychiatric hospitals as a result of their crimes and those convicted in the previous five years of corrupt or illegal election practices. Remand prisoners, people imprisoned for contempt of court and fine defaulters held in prison are eligible to vote.

People held in prison on remand can vote. The Prison Service does not envisage practical problems in enabling sentenced prisoners to vote. The Electoral Commission has set out in its response to the Ministry of Justice's second consultation on prisoners voting in 2009 a mechanism by which prisoners could be enfranchised through a system of postal or proxy voting, involving a modification to the existing declaration of local connection in electoral law. A copy of the Electoral Commission's response can be [read here](#).

UNLOCK's Barred from Voting campaign page is at <http://www.unlock.org.uk//staticpage.aspx?pid=15>