

Written evidence from Inclusion Scotland¹ (TEB 29)

Public Administration and Constitutional Affairs Committee The Elections Bill inquiry

Social Model and the UNCRPD

As a signatory to the United Nations Convention on the Rights of Disabled People, the UK State has a general obligation to ensure and promote the full realisation of all human rights and fundamental freedoms for all disabled people without discrimination of any kind on the basis of disability. Th

This includes taking all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against disabled people. New legislation should not result in any new discrimination.

The UNCRPD is based on the social model of disability and the right to independent living.

The Social Model states that people are disabled by the ‘social barriers’ they face and not their impairments. These barriers include negative attitudes, the built or external environment, badly designed transport, the way things are organised, the way things are communicated, and cost.

Independent Living is basically about human rights for disabled people. It means disabled people of all ages having the same freedom, choice, dignity and control as non-disabled people.

In the context of participation in elections, this means that disabled people should have the same rights to vote as non-disabled people, that they should be able to choose how to vote (eg by post or in person) as non-disabled people and that any barriers they face to exercising that choice should be removed as far as is practical. Any changes to election law should not erect any new barriers that impact on disabled people more than non-disabled people.

Justification for Introducing Voter ID

It is a general principle of good legislation that it should be a proportionate solution to the problem it is intended to address. Given that there have historically been very few cases of alleged or proven personation at UK elections, but that voter ID could potentially disenfranchise millions of voters, this proposal is by no means proportionate.

The UK Government seriously overstates its case about the risk of personation. It uses provocative language about voters having their vote stolen but fails to recognise that many

¹ Inclusion Scotland is a ‘Disabled People’s Organisation’ (DPO) – led by disabled people ourselves. Inclusion Scotland works to achieve positive changes to policy and practice, so that we disabled people are fully included throughout all Scottish society as equal citizens. Inclusion Scotland is concerned that the Elections Bill as published will increase rather than reduce the barriers that disabled people face in participating and voting in elections, is discriminatory and breaches the UK Government’s obligations under the United Nations Convention of the Rights of Disabled People (UNCRPD). Inclusion Scotland shares the concerns of many civic society organisations about the potential negative impacts of the Bill’s proposals on the democratic process, particularly for third party campaigners, our primary concern for disabled people’s rights relates to the proposals on voter ID.

more will be denied their vote by their proposals. In the small number of voter ID pilots, hundreds of voters were denied their vote because they turned up at the polling station without the required photo ID. This does not include people who did not go to the polling station because they knew they would be denied their right to vote because they did not have the necessary ID.

This compares with just one or two cases of personation across all elections in the UK in 2019.

To change an election result, even at local council level let alone a parliamentary constituency, would require personation of a scale and level of systematic organisation that would be unlikely to go undetected.

Implications for Disabled Voters

Surveys suggest that around one in ten disabled people would be denied their right to vote because they do not have the necessary ID. That is over one million disabled people. A significantly higher proportion of disabled people do not have the necessary ID compared to non-disabled people

Inclusion Scotland considers that this is discriminatory as a This means that disabled people will be more likely to be denied their vote than non-disabled people.

The UK Government claims that the proposal to have available a free voter photo ID document addresses this issue. However, having to obtain a voter ID document is an additional barrier for people who wish to vote and do not have an approved form of ID, and this is discriminatory as more disabled people will need to do this. The Elections Bill should be about removing barriers to voting not erecting new ones.

In addition, there will be barriers that will be faced by disabled people in obtaining a voter ID document. The UK Government has provided no details of the application process, so it is difficult to assess how accessible the process will be. However we do not that if it is an online application process, disabled people are less likely to be online than non-disabled people and therefore may be denied access to the application process.

If the process is by in person application at a council or electoral registration office, there may also be access barriers for disabled people. This can include the opening hours of the office; the distance a disabled person has to travel – for example a disabled person living in a remote rural area in Northwest Scotland may have to travel to the Highland Council Headquarters in Inverness, which may require a day's travel in both directions and an overnight stay; availability of social care support; available of accessible communications; etc.

Again, more disabled people will be denied their vote because they have been unable to apply for a voter ID document, and this is discriminatory.

The UK Government also cites the availability of postal voting as an alternative. However, disabled people should be able to make the same choice as non-disabled people whether to vote by post or in person, and should not be required to vote by post because they have been denied access to vote in person.

Equality Impact Assessment

There does not appear to have been any in depth equality impact assessments of the voter ID pilots to assess whether the requirement to have a photo ID has a disproportionate effect on turnout of voters taking account of protected characteristics.

A full study of the potential impact on the ability of people with different protected characteristics to vote should be a minimum requirement before any decision is taken to require photo ID.

Devolution Implications

It seems unlikely that the Scottish Government will introduce photo ID for elections within its control – Scottish Parliament and Scottish Local Elections. This means that voters in Scotland will only require photo ID for UK elections. This is likely to lead to voter confusion and many Scottish voters without an approved form of ID being unaware of the need to apply for a free voter ID document before a UK Election is called.

Conclusion

Inclusion Scotland does not consider that a case has been made to justify the introduction of mandatory voter photo ID for elections in the UK, and believes that the introduction of voter ID is discriminatory and will deny many disabled people their right to vote. This is in contravention of the UNCRPD.

Inclusion Scotland urges the Public Administration and Constitutional Affairs Committee to recommend that the Voter ID provisions of the Election Bill be dropped.

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