

## The loss of voting rights for millions of citizens

The loss of voting rights is one of the most undemocratic and shameful aspects of Brexit. **At least 60% of British in Europe and almost all EU27 citizens in the UK were disenfranchised in the most important vote of their lives in the EU referendum, as well as in the 2015 and 2017 General Elections.** We now face losing other voting rights – and a complete loss of political rights for some - following the negotiations on the Withdrawal Agreement (WA) under Article 50.

EU citizenship rights ensure that all **EU citizens** residing in current EU28 member states **have the same voting rights** at local, municipal and European parliament level **as nationals of that member state**<sup>1</sup>.

However, the draft WA does not include any provision for the retention of these voting rights for either EU citizens in the UK, or British citizens in the EU27. The UK proposed in 2017 that the right to stand and/or vote in local elections in the country of residence should remain. However, the European Commission and EU 27 Member States considered it to be a matter of national sovereignty, outside the scope of the WA negotiations. In fact, EU Member States have individual domestic legislation surrounding electoral franchise<sup>2</sup> when it comes to third country citizens residing in their country and their citizens residing in third countries.

As a result:

- **EU27 citizens in the UK** have not been given any assurance that they will retain the right to vote, or stand as candidates, in **local** elections. It is unclear what would happen to current councillors who are EU citizens.
- Some, though not all, **EU27 citizens in the UK** will retain voting rights in **European Parliament** elections once the UK is a third country, depending on the franchise legislation of their Member State.<sup>3</sup>
- **British citizens in Europe** will lose **local** voting rights in the majority of EU27 Member States. It is unclear what would happen to current councillors who are British citizens.
- **British citizens in Europe** will lose voting rights in **European Parliament** elections despite continuing to reside in the EU27.

### Example of British citizens in Europe:

John, a British citizen who has been resident in **Denmark** for 10 years, is currently able to vote for, and stand as a candidate in, Danish local elections and Danish European Parliament elections. He was also able to vote for UK MEPs (if not voting for a Danish MEP), UK general elections and the EU Referendum since he was resident outside the UK for less than 15 years. After Brexit he will **retain local election voting rights** since Denmark allows third country nationals to vote for, and stand as a candidate in, local elections. He will also be able to continue voting in UK general elections for the next 5 years, or until the Votes for Life legislation is enacted. However, he will **lose the right to vote for Danish MEPs**, as he is no longer an EU citizen.

Susan, a British citizen who has been resident in **France** for 18 years, is currently able to vote for, and stand as a candidate in, French local elections and French European Parliament elections. She was not able to vote for UK MEPs, or in UK general elections or the EU Referendum since she was resident outside the UK for longer than 15 years. After Brexit, she will **not be able to vote anywhere** and will be **completely disenfranchised**.

<sup>1</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/eu-citizenship/electoral-rights_en)

<sup>2</sup> [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474441/IPOL-AFCO\\_ET\(2013\)474441\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/474441/IPOL-AFCO_ET(2013)474441_EN.pdf), p54

<sup>3</sup> <http://www.europarl.europa.eu/factsheets/en/sheet/21/the-european-parliament-electoral-procedures>

**Example of EU citizens in the UK:**

Michel, a **Belgian** citizen resident in the UK, is currently able to vote for, and stand as candidate in, local elections in the UK. He is also able to choose whether to vote for UK MEPs or Belgian MEPs. After Brexit, it is currently not clear whether he will be able to retain local election voting rights. Furthermore he will lose all rights to vote in the European Parliament since Belgium does not allow its citizens abroad to vote for Belgian MEPs unless they reside elsewhere in the EU. Michel risks becoming completely **disenfranchised**.

Petra, a **Dutch** citizen resident in the UK, may similarly lose local election voting rights in the UK. However, she will **retain her European Election** voting rights after Brexit, as the Netherlands allows its citizens abroad to vote for its MEPs whether they live in the EU or not.

From these examples, it is clear that the problem is **reciprocal**.

It is equally clear that aiming to negotiate with 27 individual countries through bilateral agreements<sup>4</sup> will lead to **discrimination** between EU citizens resident in the UK dependent on their nationality, and between British citizens resident in the EU, dependent on their host member state. **The only acceptable solution is to reach an agreement that applies at UK and EU27-wide level.**

We welcome that Wales and Scotland<sup>5</sup> have already stated that they will maintain the voting rights of EU citizens in the Welsh Assembly and Scottish Parliament, and aim to also maintain them in local elections.

When both groups of citizens exercised their rights to live and work in another EU country, their EU citizenship guaranteed that they would have a right to participate in democracy at local, municipal and European elections.

Especially considering that the majority of these citizens had no say in the EU referendum, we feel these electoral rights should not be stripped retrospectively.

**Stripping a citizen of the right to vote is an extremely serious matter going against fundamental British and European values.** It is a decision that is usually only taken in the severest of circumstances, such as the imposition of a custodial sentence, and the European Court of Human Rights<sup>[4]</sup> has repeatedly ruled that even in that eventuality, any such measure should be proportionate.

***We therefore ask the British government to:***

- ***confirm voting rights for EU27 citizens in local elections in the UK post-Brexit***
- ***deliver on the promise of votes for life for all British citizens***

***We ask the EU Council to facilitate EU27 wide agreement that:***

- ***ensures all EU citizens in the UK, covered by the Withdrawal Agreement, are able to vote for MEPs in their country of origin post-Brexit***
- ***ensures all British citizens in the EU27, covered by the Withdrawal Agreement, may continue to vote for, and stand as candidates in, local, municipal and European Parliament elections post-Brexit.***

<sup>4</sup> <https://homeofficemedia.blog.gov.uk/2017/12/08/factsheet-on-eu-citizens-rights-agreement/>

<sup>5</sup> <https://www.theparliamentmagazine.eu/articles/news/scotland-could-allow-eu-nationals-retain-voting-rights-post-brexit>